

Utah State University

DigitalCommons@USU

All Graduate Theses and Dissertations

Graduate Studies

5-1968

Collective Bargaining in Utah's Council-Manager Municipalities

Ronald L. McKim

Utah State University

Follow this and additional works at: <https://digitalcommons.usu.edu/etd>



Part of the [Political Science Commons](#)

Recommended Citation

McKim, Ronald L., "Collective Bargaining in Utah's Council-Manager Municipalities" (1968). *All Graduate Theses and Dissertations*. 3250.

<https://digitalcommons.usu.edu/etd/3250>

This Thesis is brought to you for free and open access by the Graduate Studies at DigitalCommons@USU. It has been accepted for inclusion in All Graduate Theses and Dissertations by an authorized administrator of DigitalCommons@USU. For more information, please contact digitalcommons@usu.edu.



COLLECTIVE BARGAINING IN UTAH'S
COUNCIL-MANAGER MUNICIPALITIES

by

Ronald L. McKim

A thesis submitted in partial fulfillment
of the requirements for the degree

of

MASTER OF SCIENCE

in

Political Science

UTAH STATE UNIVERSITY
Logan, Utah

1968

ACKNOWLEDGMENTS

In the process of conducting this study a large debt of gratitude has been incurred. To Professor Wendell B. Anderson, who has given his time and guidance as major professor, as well as the "loan" of his secretaries, a word of thanks is given. The writer is also indebted to his graduate committee--Dr. JeDon A. Emenhiser, Professor Calvin W. Hiibner, and Professor Preston H. Thomas--for their assistance in sorting out the inevitable wrinkles.

Appreciation is extended to the City Managers of Utah for their vital cooperation in developing this study. The writer is also indebted to Mr. A. M. Ferro, legal consultant for the Utah Municipal League, and Mr. Raymond W. Cassell, Personnel Director of Ogden City for their interest and assistance in providing information for this study. To those contributors not mentioned by name the writer can sincerely say "thank you."

These acknowledgments would be incomplete without tribute to my parents for their role in the writer's academic goals. Finally, to my wife, Marsha, for her unending patience and support in aiding and motivating, I extend the gratitude of a companion.

Ronald L. McKim

TABLE OF CONTENTS

	Page
ACKNOWLEDGMENTS	ii
LIST OF TABLES	v
LIST OF FIGURES	vi
ABSTRACT	vii
Chapter	
I. INTRODUCTION	1
Collective bargaining in the public service	1
The problem	8
Hypotheses	13
Methodology	14
II. THE FOUNDATIONS OF COLLECTIVE BARGAINING	16
The employee	19
The employer	21
The public	25
III. THE CITY MANAGER AND COLLECTIVE BARGAINING	28
Role of the council	29
Role of the manager	30
The city manager in Utah	31
IV. COLLECTIVE BARGAINING IN THE COUNCIL-MANAGER MUNICIPALITY	43
Employee organizations	44
Current practices	48
Satisfaction with agreement	50
Merit systems	51
Scope of bargaining	53
V. OGDEN CITY: A CASE IN POINT	63
City government	63
Employee organizations	66
Scope of bargaining	69
Grievance procedure	75

TABLE OF CONTENTS (Continued)

Chapter	Page
VII. SUMMARY	79
BIBLIOGRAPHY	84
APPENDIXES	89
Appendix A. Questionnaire	90
Appendix B. Twenty-two Cities in Utah Listing a Council-Manager Form of Government . . .	93
Appendix C. The Connecticut Municipal Employee Relations Act	94
Appendix D. Letter of Transmission Accompanying Questionnaire to Utah's City Managers .	98
VITA	99

LIST OF TABLES

Table	Page
1. Listing of Utah city managers	12
2. Percentage of council-manager cities by city population in Utah	31
3. Age grouping of Utah's city managers	33
4. Type of experience of managers in relation to location of experience	35
5. Appointment of department heads by Utah's managers	38
6. Formal employee organizations	46
7. Current negotiation practices in Utah's council-manager municipalities	49
8. Merit and non-merit classification of city manager municipalities and negotiation procedure used	54
9. Negotiable issues in Utah's city manager municipalities	55
10. Per cent of uniformed employees able to negotiate on same issues as other municipal employees	60
11. Extent of affiliation with employee organizations in Ogden City, 1968	67
12. The desired scope of bargaining between Ogden City and employee organizations	70
13. Benefits obtained by the employee organizations of Ogden City	74
14. Twenty-two cities in Utah listing a Council-Manager form of government	93

LIST OF FIGURES

Figure	Page
1. Typical forms of approach to management by employees over negotiation issues	40
2. Per cent of issues bargainable according to merit classification and negotiation procedure	57
3. Per cent of bargaining in each negotiation procedure	58
4. Per cent of bargaining according to merit or non-merit classifications	58
5. Composition of Ogden's home rule government	66

ABSTRACT

Collective Bargaining in Utah's Council-
Manager Municipalities

by

Ronald L. McKim, Master of Science

Utah State University, 1968

Major Professor: Wendell B. Anderson
Department: Political Science

The collective bargaining practices among Utah's council-manager municipalities was studied through a review of existing literature and two surveys, one of which focused upon the policies and practices of Utah's fourteen municipalities governed under the council-manager system and having a population of 2,000 or more. The second survey was a microcosmic study of Ogden City's collective bargaining practices as defined by administrators and employee representatives.

The first survey involving the collective bargaining practices of Utah's fourteen council-manager municipalities indicated that two factors were present. They are: (1) formal employee organizations existed in areas with the largest and densest population structures, and (2) all municipalities surveyed had some form of collective negotiation procedure for employees. The amount of bargaining, or number of issues bargainable, appeared to depend on formality of procedure involved and merit service classification. It appeared that the most bargaining took place under a merit-formal combination, and

the least under a nonmerit-advisory situation.

The Ogden study examined Ogden's home rule government, the current status of existing employee organizations, and various aspects of the bargaining situation. Four employee organizations exist in Ogden--one national union and three independent local associations--with individual bargaining methods oriented toward betterment of the employment situation. Though each employee organization seeks recognition in a different manner and is limited on issues bargainable, all have received noticeable concessions in the past.

(107 pages)

CHAPTER I

INTRODUCTION

Collective bargaining in the public service

Until the classic case of Commonwealth vs. Hunt¹ in 1842, collective bargaining attempts, and specifically unions, were viewed as objects of criminal conspiracy and subject to legal prosecution. Ninety-three years later the Supreme Court reinforced the decision and approved the right of workers to organize and bargain collectively under the Wagner Act. Later, under the aegis of the Taft-Hartly Act of 1947, this "brokerage" power was made more viable by prohibiting unfair labor practices and coercion of employees by unions.

Even with these liberal policies in the industrial world there are still pockets of the laboring society where little is known of the present existing bargaining practices. Governments perform a myriad of roles including those of employer, custodian, regulator of enterprise, umpire, contractor, and guardian of the "general welfare."² Because of these numerous roles, the fact that government, particularly local government, is the fastest growing employer of personnel in the nation is often forgotten. There would seem to be an urgent need to examine America's largest and most rapidly increasing work force.

Governments tend to encounter more enigmatic problems than

¹45 Mass. (4 Met.) III (1842).

²National Council of Churches, The Right to Strike and the General Welfare, Committee on Church and Economic Life (New York: Council Press, 1967), p. 19.

does business in designating spokesmen for both public managers and employees. This lack of identification has contributed to an attitude of militancy which has resulted in walkouts and strikes in cities throughout the country. Repeatedly newspaper headlines appear about welfare, hospital, transportation, education, firemen, and sanitation workers who either are on strike or threatening to strike.³

Dr. Rollin B. Posey states:

Not only have more and more government workers been joining labor unions, but they have become more and more militant in their dealings with their government employers.⁴

Because there is such a problem in designating spokesmen for public management and in the selection of an exclusive representative for employees, three problems arise in the public sector: (1) which supervisory employees may join unions (or independent local associations) and bargain collectively with management but may not be included in the same bargaining units as their subordinates; (2) which of the employees are considered a part of "management" and therefore may not be included in the employee bargaining units; (3) who in the ranks of management has the power to bargain for the public employer.⁵

To alleviate the pressure generated by public employees, governments are adopting various methods of bargaining ranging from

³Robert E. Catlin, "Should Public Employees have the Right to Strike," Public Personnel Review, Vol. 29, No. 1 (January, 1968), p. 2-6.

⁴Rollin B. Posey, "The New Militancy of Public Employees," Public Administration Review, Vol. 28, No. 2 (March/April, 1968), p. 111-117.

⁵Chester A. Newland, "Collective Bargaining Concepts: Applications in Governments," Public Administration Review, Vol. 28, No. 2 (March/April, 1968), p. 117-126.

decentralized bargaining limited to non-economic issues, to centralized bargaining including construction of the budget.

Since 1966, one-sixth of America's total work force has been attributed to public employment. However, the number of public workers able to bargain collectively is only 10 per cent. Future estimates show that by 1970 one out of five employed persons will be a government employee, and by 1980 one out of four.⁶

Out of this rapidly expanding segment of the working society most of the growth will be in the state and local area. The U. S. Bureau of Labor Statistics states that:

As in the past 15 years nearly all the increase in government employment will be in state and local government agencies. Population growth and the movement of people from rural to urban areas and from cities to suburbs will continue to raise requirements for education and public health service, police and fire protection, sanitation, street and highway maintenance, welfare and other services. As a result, state and local government employment is expected to rise by more than 50 per cent between 1960 and 1975, whereas it is assumed that little change will take place in federal employment, under the conditions of minimum unemployment and no major wars or catastrophies assumed in these projections.⁷

The public manager is rapidly learning that government employees, like their counterparts in private enterprise, are subject to insecurity of employment, accidents, inflation and rising prices, illness and old age, and the desire to upgrade their positions. The nemesis of the public employee would seem to be antiquated procedure!

Great strides have been made on the national level since 1960

⁶Allen Wisenfeld, "Public Employees--First or Second Class Citizens," Labor Law Journal, Vol. 16, No. 11 (November, 1965), p. 687-688.

⁷U. S. Bureau of Labor Statistics, Special Labor Force Report, (Washington, D. C.: Government Printing Office March, 1963), p. 2.

when President Kennedy created a "Task Force" to study management-employee relations in the federal service. On June 17, 1962, President Kennedy issued Executive Order 10988 directing federal agencies to recognize and bargain with unions that represented their employees. The Order initially spelled out a clear-cut policy on collective employee representation under which a wide variety of arrangements for cooperation and consultation prevail under a mandatory regulation.⁸

One of the most significant aspects of the Executive Order is the responsibility vested in the individual federal agencies. Each department and agency is responsible for making decisions respecting representation questions and for implementing the Order.⁹

Through Executive Order 10988 employees can organize, receive official recognition, consult on policy procedures, and under certain conditions negotiate with management on working conditions.¹⁰ In essence the Order denies federal employees the right to strike, but it permits negotiations on such pertinent issues as working conditions, schedules, promotions, and fringe benefits.

Rather than go into detail with the implications of Executive Order 10988 and federal collective bargaining it is sufficient to say that:

The Order has been acclaimed as a creative masterpiece in an area--public personnel management--where tranquility and sterility have long been preferred to innovation. Credit belongs entirely to the Kennedy Administration since

⁸William B. Vosloo, Collective Bargaining in the United States Federal Civil Service (Chicago, Illinois: Public Personnel Association, 1966), p. 2.

⁹Weisenfeld, Labor Law Journal, Vol. 16, No. 11, p. 689.

¹⁰Ibid.

the task force which produced the Order was manned almost exclusively by prominent New Frontiersmen, not by career civil servants. . . . Thus it is not surprising that the Task Force Report and the Executive Order both reflect the labor relations doctrines and philosophies hewed out in the rough and tumble private sector of the American Political economy to a much greater degree than they do the more cloistered, antiseptic world of the civil service.¹¹

Another pioneer program in collective bargaining practices is developing in Canada. Within the last twenty years Canada has seen the enactment and amendment of laws controlling the inter-relationship between the employer and employee at the federal and provincial levels of government. More recently, municipal labor relations in Canada's ten provinces have enveloped the labor relations acts controlling private industry to encourage more flexibility.¹²

Richard L. Salik provides an overview in comparing bargaining practices at these three levels of government, dwelling on the diversity of laws and practices among the provincial entities.¹³ These differences in employee-management relations are evident in both philosophy and practice and reflect varying views concerning sovereignty of the several governments.

On the state level, Kenneth O. Warner points out that state legislation governing labor relations for public employees reveals

¹¹Wilson R. Hart, "The U. S. Civil Service Learns to Live with Executive Order 10988: An Interim Appraisal," Industrial and Labor Relations Review, Vol. 17 (January, 1964), p. 206-207.

¹²Richard L. Salik (Ed.), A Digest of Provincial Labor Laws Governing Municipal and Provincial Employees in Canada (Chicago, Illinois: Public Personnel Association, 1966), Introduction.

¹³Ibid.

a pattern in which regulations for state, municipal, and local government employees are often intermingled.¹⁴ Those states now possessing statutes or constitutional provisions specifically permitting the right to organize and bargain collectively in public employment are: Connecticut, Missouri, Massachusetts, Michigan, Minnesota, Delaware, New York, Oregon, Rhode Island, Washington, and Wisconsin.¹⁵ In most of these states the right to bargain is extended to state, county, and municipal employees, except in Connecticut and Michigan where civil service laws exclude state employees from bargaining collectively.

Other states are selective in their granting of bargaining rights:

Maine and Wyoming have legislation granting bargaining rights to firemen only. Laws providing for collective negotiations in public education exist in Alaska, California, Connecticut, Florida, Massachusetts, Michigan, New Hampshire, New Jersey, Oregon, Washington, and Wisconsin. Recognition of unions for collective bargaining without specific statutory authorization also occurs in some cities in 16 states¹⁶

Then there is the municipality, the core of public employment. Most of the pioneering of labor relations in the United States public service has taken place on the municipal level. In many instances large employee organizations were in operation before there was any legal recognition of their existence.¹⁷

¹⁴Kenneth O. Warner and Mary L. Hennessy, Public Management at the Bargaining Table (Chicago, Illinois: Public Personnel Association, 1967), p. 90.

¹⁵Posey, Public Administration Review, Vol. 28, No. 2, p. 112.

¹⁶Ibid.

¹⁷Warner and Hennessy, Public Management at the Bargaining Table, p. 89.

At the close of 1965, of 1,147 municipalities with a population of more than 10,000, five hundred and twelve or 44 per cent indicated by questionnaire that some of their employees were members of national unions and local associations.¹⁸ Statistics on smaller cities, those under 10,000, are not available; but it can be assumed that the percentage of employee organizations would be considerably less.

Kenneth O. Warner's efforts have also been directed to editing the works of noted authors concentrating their studies on existent problems in municipal government. A study of four cities; Hartford, Detroit, Philadelphia, and Cincinnati, was undertaken in the early 1960's to determine the intricate workings of each in the bargaining situation.¹⁹

In another work edited by Mr. Warner, the legislative, judicial, and administrative problems of public employee-management relations are explored in depth.²⁰ The focus of his essay is to explain the nexus, or link, between employer and employee, to examine the attitudes of both, and propose proper methods of adjusting to the negotiating process.

A recent reaction to collective bargaining problems in the public service is found in the form of a "Symposium on Collective

¹⁸Orin F. Nolting and David S. Arnold (Ed.), The Municipal Year Book 1966 (Chicago, Illinois: The International City Managers Association, 1966), p. 176.

¹⁹Kenneth O. Warner (Ed.), Management Relations with Organized Public Employees: Theory, Policies, Programs (Chicago, Illinois: Public Personnel Association, 1965), p. 73-123.

²⁰Kenneth O. Warner (Ed.), Development in Public Employee Relations: Legislative, Judicial, Administrative (Chicago, Illinois: Public Personnel Association, 1965).

Negotiations in the Public Service."²¹ The symposium is graced by a collection of knowledgeable writers including Rollin B. Posey, Chester A. Newland, Gordon T. Nesvig, Paul M. Camp, W. Richard Lomax, and Felix A. Nigro. The scope of their articles includes the "New Militancy" in public employment and the various other implications in public administration. One author, Mr. Newland, foresees the future of collective bargaining in public employment as "creative arrangements."

As governments adopt collective bargaining some choice of emphasis between conflict and cooperation may be possible (since conflict is an available choice), but experience in private industry indicates that conflict persists even where cooperative efforts prevail. Therefore, a choice between them, so as to eliminate conflict, is not possible in future public employee management relations. Choice is possible, however, in making use of the dynamic qualities of reasonableness and variety which are defined in American legal and political experience.²²

Adam Smith suggested that true collective bargaining resulted only when both sides of the labor spectrum were appeased in an economic situation where both incurred benefits. Mr. Smith states that

It is not from the benevolence of the butcher, the brewer, or the baker that we expect our dinner, but from their regard to their self-interest. We address ourselves, not to humanity, but to their self-love, and never talk to them of necessities, but of their advantages.²³

The problem

This study will dwell specifically with collective bargaining

²¹"Symposium on Collective Negotiations in the Public Service," Public Administration Review, Vol. 28, No. 2 (March/April, 1968), p. 111-147.

²²Newland, Public Administration Review, Vol. 28, No. 2, p. 126.

²³Adam Smith, The Wealth of Nations (New York: Modern Library, 1937), p. 14.

in Utah's council-manager municipalities. The topic was selected because local government is the fastest growing employer of personnel in the nation and because of the enigmatic problems encountered by public employees in the bargaining situation.

Recent trends in collective bargaining among public municipal employees have shown that workers are looking for equity in the economic benefits of production, protection from exploitation by management, and a voice in some of the decisions affecting their lives.²⁴ Public management, on the other side of the labor spectrum, is seeking to preserve certain managerial rights, protect the general welfare or public to whom it is responsible, and provide equitable compensation to public employees for services rendered. Collective bargaining would seem to be one of the most logical methods for employees and the employer to settle conflicts of interest.²⁵

Investigation has disclosed that very little is known of collective bargaining practices in the small and medium sized cities of Western America, and specifically Utah. Mr. A. M. Ferro, legal consultant for the Utah Municipal League, states:

You ask whether or not we have any information with reference to collective bargaining processes in Utah. We must confess that there has been little experience in the field of

²⁴National Council of Churches, The Right to Strike and the General Welfare, p. 13.

²⁵This study will use James A. Belasco's definition of collective bargaining. Mr. Belasco states that: "Collective bargaining shall be the process of negotiation between the representatives of two groups where each possesses something which is of value to the other. The two parties involved in the employment relationship are the employer and the employee." This is found in Keith Ocheltree (Ed.), Government Labor Relations in Transition (Chicago, Illinois: Public Personnel Association, 1966), p. 34.

collective bargaining in our communities.

First of all, there is no statutory language which concerns itself with the process of collective bargaining between public agencies and public employees. Very little pressure has arisen for this kind of legislation down to the present time because we have had no major disruption in public employment as a result of a failure of public employees to develop satisfactory wages, working relationships, etc.²⁶

Employee organizations are quite common in the managerial systems of council-manager cities; however, the influence they exert is somewhat nebulous, or at least varied, in formulating management policies. The International City Managers Association conducted a survey in 1966 to determine what proportion of employee organizations existed in council-manager municipalities. It was found that "sixty-one per cent of the cities responding to a questionnaire, circulated in 1966 among managers serving cities of 10,000 or more population, reported having some type of employee organizations."²⁷

City managers were specifically selected for questionnaire response because of their presumed professional competence and philosophy of objectivity. With the initiation of the council-manager program through its originator, Richard S. Childs, progressiveness and reform-orientation have been kindled in many municipalities.²⁸

This study also seeks to (1) provide a knowledge of the municipalities and their existing employee organizations, (2) define

²⁶ Letter from A. M. Ferro, Utah Municipal League Consultant, to the writer, July 19, 1968.

²⁷ Winston W. Crouch, "Employee Organization in Council-Manager Cities," p. 141-157, In Orin F. Nolting and David S. Arnold (Ed.), The Municipal Year Book 1967 (Chicago, Illinois: International City Managers Association, 1967), p. 137.

²⁸ John P. East, Council-Manager Government: The Political Thought of its Founder, Richard S. Childs (Chapel Hill, North Carolina: University of North Carolina Press, 1965).

the influence of these organizations on bargaining procedures (if any exist), (3) label the bargaining procedures according to method involved and scope of bargaining, and (4) measure the attitude of satisfaction with the present system.

Three types of employee organizations were considered (1) the nationally affiliated union, (2) the independent local associations consisting of self-initiated employee groups, and (3) the informal, unstructured employee groups. In some instances these types of bargaining units operate within the same confines; however, all three types of organizations exhibit a different style in establishing and maintaining relations with management.

This study deals directly with Utah's larger council-manager governments, geographically situated from northern Utah to the state's southern boundaries. The cities range in population from less than 2,000 (Monticello) to more than 76,000 (Ogden). Table 1 shows pertinent data on the cities involved, their populations, and current city managers.

In addition to the actual study of collective negotiation procedures in Utah's council-manager municipalities, a chapter having a definite bearing on collective bargaining is included. The chapter entitled "Foundations of Collective Bargaining" analyzes the employee-employer relationship and its responsibility to the public or general welfare. This chapter attempts to provide a socio-psychological view of the employment situation in public administration.

Local government has a dual responsibility that must be fulfilled. It must protect the public health, safety, and welfare of its constituency; and it must provide both liberty and equality for its

Table 1. Listing of Utah city managers^a

Year Incorporated City	Class	Population	City Manager
1853 American Fork	III	7,500	Ray C. Nelson
1892 Bountiful	III	27,000	Grant P. Petersen
1868 Cedar City	III	8,400	Arnold E. Anderson
1922 Clearfield	III	11,500	Clarence J. Stoker
Monticello	III	2,000	Phillip K. Palmer
1866 Nephi	III	3,000	R. W. Christiansen
Ogden	Home-Rule	76,000	Charles R. Kelly
1919 Orem	III	25,000	Earl Wengreen
Richfield	III	5,000	Keith Christensen
1937 Roy	III	15,000	A. Wayne Kimber
1892 St. George	III	6,200	M. Lynne Empey
1893 Sandy	III	4,800	Almon A. Nelson
1898 Vernal	III	5,000	Buell Bennett
1914 West Jordan	III	5,000	Robert H. Steadman

^aUtah Municipal League, Directory of Utah Municipal Officials, 1968-1969, Salt Lake City, Utah: Utah Municipal League, 1968.

employees. To avoid crippling walkouts and strikes that endanger America's internal organs of service, a more thorough understanding of collective bargaining on the "grass roots" level of the municipality must be understood. Felix A. Nigro speaks of this ethos as consisting of a need for four basic elements.

A mixture of democracy (rights of the workers to participate in determination of management policies); justice (an end to the paternalism which has made management the judge of the fairness of its treatment of the employees); pragmatism (the policies and work results will be much better under

the partnership agreement), and idealism (levels of service to the public will be greatly improved because of employees' constant pressure on management in that direction.²⁹

Hypotheses

In analyzing collective negotiation procedure in Utah's city manager municipalities five hypotheses are proposed. The tentative hypotheses to be evaluated in this study are

- I. The city manager, because of the presumed professionalism of his office, is more objective and politically neutral in dealing with public municipal employees than would be an elected official.
- II. The city manager will exert more policy initiation in municipal employee relations if (1) the mayor is appointed by the council, and (2) the city manager appoints all department heads.³⁰
- III. The larger the city the greater the probability that employee organizations will exist in the public work force of that city.
- IV. The smaller council-manager municipalities are more likely to have unstructured and informal methods of negotiation with management than are municipalities with

²⁹Felix A. Nigro, "The Implications for Public Administration," Public Administration Review, Vol. 28, No. 2, (March/April, 1968), p. 142.

³⁰In order to adequately test hypotheses I and II, some information on the political profile of city managers was needed. For this purpose two works were consulted. They are Gladys M. Kammerer et al., The Urban Political Community (Boston, Massachusetts: Houghton Mifflin Company, 1963); and Gladys M. Kammerer, City Managers in Politics, An Analysis of Manager Tenure and Termination (Gainesville, Florida: University of Florida Press, 1962).

a population of 10,000 or more.

- V. The greatest bargaining potential resides in the merit-formal approach and the least in the non-merit-advisory approach.³¹

Methodology

Collective negotiations in Utah's city manager municipalities were studied through a survey of existing literature and two self-initiated surveys.

The first survey was a comprehensive questionnaire directed to the city managers in Utah (those in cities of 2,000 or more). All city managers returned the completed questionnaire. Similar questionnaires were sent to some of the smaller cities with city managers, but the data is not found in this study. Aside from the questionnaire, additional information was obtained through written requests and telephone conversations with city managers and officers in the Utah Municipal League.

The questionnaire was designed to extract information concerning (1) background on the city managers including administrative and policy functions, (2) existence of employee organizations and whether they were formally or informally structured, (3) pattern of relationships between employees and city management concerning negotiations, and (4) scope of bargaining, or issues considered negotiable.

The fourteen cities involved in the survey varied both in

³¹In this study there will be six possibilities for the amount of bargaining. These possibilities arise from combining a formal,

size and methods of dealing with municipal employees. The smaller cities of 5,000 or less usually acknowledged good rapport between employees and management for no other reason than size of work force. Yet in every case some form of negotiation procedure existed for employees collectively to make their desires known.

For this phase of the study the author relied quite heavily upon professionalism and cooperation of the city managers in being objective in their response to the questionnaire. The letter of transmission accompanying the questionnaire emphasized this point even further (See appendix D).

The second survey concentrated upon Ogden City in a micro-cosmic study of negotiation processes. For this phase of the study interviews were used to obtain background and data. The following persons were interviewed personally: Raymond W. Cassell, Personnel Director and Assistant City Manager of Ogden City; Joe Hilton, Administrative Assistant and Secretary-Treasurer of the Ogden Firemen's Association; Robert Mosher, President of the Ogden City Police Benefit Association; and Richard Merrell, President of the Ogden City Employees Association. Data were also secured from the Personnel Department concerning Ogden City's policy relating to civil service regulations and personnel and pay plan structures.³²

informal, and advisory situation with a merit or non-merit classification. The six possibilities are (1) merit-formal, (2) merit-informal, (3) merit advisory, (4) non-merit-formal, (5) non-merit-informal, and (6) non-merit-advisory.

³²It should be noted that this study of Ogden City parallels quite closely to the structuring of James Belasco's case study of "Collective Bargaining in City X." Some of the tables found in this study are very similar to the ones found in the Belasco study in Ocheltree's Government Labor Relations in Transition, p. 34-50.

CHAPTER II

THE FOUNDATIONS OF COLLECTIVE BARGAINING

Collective bargaining has had a short and turbulent history. Industry has set precedence in providing solace for the "common man," and it was only until recently that labor was not regarded as a commodity to be bought and sold in the market place in the same manner as wood or steel.¹

Labor has tended to resist management's techniques of production and motivation throughout its brief history. As a result, a bilateral cooperation has tended to evolve, having been protected and preserved by national labor laws. Thus, a rapport has slowly developed in the private sector between employees and employers through effective collective bargaining.

The basic features of collective bargaining in the private world are similar to the incipient development stages now being experienced by public administration. They are as follows:

1. An independent employee organization, officially recognized by management as having the power to speak for employees on certain matters.
2. The periodic settlement, through negotiation, of disputes over policy matters affecting the whole range of employer-employee relationships, formalized in a written agreement called the "contract."
3. The settlement of current disputes under the contract through a grievance system in which union officers deal directly with supervisors.

¹John M. Pfiffner and Robert Presthus, Public Administration (5th edition, New York: The Ronald Press Company, 1967), p. 311.

4. The establishment at the shop level of an area of freedom of speech and freedom of petition rather similar to civil liberties on the political level.
5. Official recognition by the employer that one of his own employees, the shop steward, will transact union business on company time.²

The traditional attitude toward collective bargaining in the public sector has been one of negativism and controversy. This aversion toward employee organizations was usually expressed both in the law and in emotional reaction against strikes. The vogue legal opinion was that the sovereign could not enter into collective-bargaining contracts with its employees. This was the same ancient precept which promulgated that: "the king can do no wrong."³

Government officials retorted against any opposition that came their way with the old cliché of protecting the "general welfare" above all else. President Franklin Roosevelt stated that:

A strike of public employees manifests nothing less than an attempt to prevent or obstruct the operations of government until their demands are satisfied. Such action looking toward the paralysis of government by those who have sworn to support it is unthinkable and intolerable. . . . The very nature and purpose of Government makes it impossible for administrative officials to represent fully or to bind the employer in mutual discussions with Government employee organizations. . . . For the employer is the whole people.⁴

Prior to this statement, Calvin Coolidge stated that "There is no right to strike (and bargain) against the public safety by anybody,

² Ibid., p. 312.

³ Wilson R. Hart, Collective Bargaining in the Federal Service (New York: Harper and Row, 1961), p. 38-54.

⁴ Paul P. Van Riper, History of the United States Civil Service: Theory and Practice (Chicago, Illinois: Public Personnel Association, 1967), p. 350.

anywhere, at anytime."⁵

As previously mentioned, the attitude toward collective bargaining in the public sector is changing on national, state, and local levels. The old adage of conflict seems to be giving way to cooperation. Collective bargaining is becoming a relationship between management and the representative of organized employees. It is being characterized by periodic negotiations resulting in written agreement on a basic rule system to govern the work relationship, and organized arrangements for resolving disputes and problems arising on a day-to-day basis.⁶

Collective bargaining has gone through its own evolutionary stages. It was first used essentially as a method of determining the common terms under which a company's employees would work. Under this method, bargaining was thought of as a "marketing process." Later, the collective bargaining agreement came to be viewed as a contract complete with status in federal courts.⁷ Today, emphasis is upon cooperation, where the parties focus upon similar key issues. These issues usually lie in the realm of two categories: economic matters and rights, and obligations of the parties.

To adequately cover the functions of collective bargaining in the public service three groups have to be considered. These groups are (1) employee, (2) employer, and (3) public. Each of these groups have a significant role in determining the existence of collective bargaining.

⁵Weisenfeld, Labor Law Journal, Vol. 16, No. 11. p. 686.

⁶Newland, Public Administration Review, Vol. 28, No. 2, p. 118.

⁷Ibid.

The employee

In studying the public employee, four groups must be considered to properly envisage their population.

First, there are those people who are employed directly by the state (or nation) and its political subdivisions. . . . The second group would be composed of those people who are employed by a legally created, semi-autonomous agency of the state. . . . The third group would include those employees affected with the public interest in an industry which is primarily local in nature. . . . The fourth group would be composed of persons employed by privately owned public employees.⁸

Basically, the employee is looking for three things out of the employment situation in which he finds himself. They are:

1. A measure of equity for workers in the economic benefits of production.
2. Enhancement of the freedom and dignity of workers through protection against arbitrary procedures and exploitation on the part of management.
3. The expansion of democracy into the economic order through giving workers a voice in some of the policies and decisions of the organizations, particularly those which most directly affect their lives.⁹

Often the employee is found in a role-playing situation where management can, and often does, appear as an ambivalent force. In this situation communication becomes minimal and conflict arises in the form of strikes and walkouts.

Tomatsu Shibutani, in his book Society and Personality, says of this situation:

⁸Belasco, Labor Law Journal, Vol. 16, No. 9, p. 533.

⁹National Council of Churches, The Right to Strike and the General Welfare, p. 13.

Conflict arises where interests are opposed, where the success of one party may require the immobilization or destruction of the other. Here the opponent is personified as a dangerous object, and automatic defensive reactions are elicited. It becomes necessary to protect oneself. Enemies are avoided as much as possible; and when contact is absolutely necessary, they are approached in a defensive stance with a high degree of self-consciousness to minimize the possibilities of being exploited.¹⁰

In many respects two cultures exist in America. The culture of scarcity and pessimism and the culture of abundance and optimism are the two cultures. The former culture belongs to the employee, or wage earner, and the latter belongs to management.¹¹ The employee is constantly in a state of conflict over job security and personal security; therefore he builds a psychological shelter about him to combat absorption into the organization. As a result of these "shelters," employee organizations were formed and have expanded a great deal since the passage of the Wagner Act of 1935.

In brief, employees form organizations out of two beliefs: (1) only collectively can they assert mastery over job opportunities and obtain job security, and (2) only collectively can they assert their individuality at work.¹²

The employee forms certain attitudes about his job and the place of work. Eric Hoffer, the articulate and philosophic longshoreman suggests that:

¹⁰Tomatsu Shibutani, Society and Personality (Inglewood Cliffs, New Jersey: Prentice Hall, Inc., 1961), p. 346.

¹¹Warner (Ed.), Development in Public Employee Relations: Legislative, Judicial, Administrative, p. 2.

¹²ibid., p. 4.

The awareness of being an eternal workingman colors one's attitudes. To the eternal workingman management is substantially the same whether it is made up of profit seekers, idealists, technicians, or bureaucrats. The allegiance of the manager is to the task and the results. However noble his motives, he cannot help viewing the workers as a means to an end. He will always try to get the utmost out of them; and it matters not whether he does it for the sake of profit, for a holy cause, or for the sheer principle of efficiency.¹³

The employee is thus seeking to close the gap between the two cultures by integrating collectivism with fulfillment of psychological needs. The task of management would seem to be understanding what motivates employees and adequately synthesizing these motivators into policies and practices.

The employer

The employer-manager also has expectations and basis "rights" that should be considered.

In the private sector these rights can be broken into four categories.

First, those rights which are purely unilateral and must not be delegated or assigned to non-management groups. This includes pricing of the product, methods of accounting, plant locations, manufacturing scheduling, assignment of employees, etc.¹⁴

The second category of management rights that can be shared with employees, at least to the point of communicating, pertains to expressing their actions to the organized group. In doing so

¹³Quote by Eric Hoffer in Kenneth O. Warner (Ed.), Developments in Public Employee Relations: Legislative, Judicial, Administrative, p. 5.

¹⁴Warner (Ed.), Developments in Public Employee Relations: Legislative, Judicial, Administrative, p. 27.

management does not seek agreement nor discussion of the issue, only communications so that the employees know what is transpiring. This could include such things as production schedules, a view of next year's goals, and notice of change in management personnel.¹⁵

A third group of responsibilities are discharged by listening to the employees' desires without agreeing on any changes in policy. This could include Christmas and Near Year extensions for exchange of other working days, etc. This is basically a two-way communication where employees' wants are considered if not incompatible with management's policy.¹⁶

The last category deals in those areas where responsibilities must be shared with employees. It is from this last category that private management is finding its greatest motivator and greatest problem, that of collective bargaining.

Because of the political nature of public business, determining management's rights is somewhat more difficult. However, there is agreement on three areas.

First, certain basic or fundamental rights including the concept of state sovereignty, how far the government will share or delegate its sovereignty of government, etc.¹⁷

Second, the right to determine the agency's mission or assignment of personnel, governmental services, and specific functions to be rendered. However, this second group of management rights are

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Warner and Hennessy, Public Management at the Bargaining Table, p. 261.

not everywhere acceptable to employee organizations. For instance, in both Canada and the United States, teacher organizations express their desire to negotiate on basic educational policies that relate with the substance of school programs, i.e., size of class, selection of textbooks, teacher assignments, curriculums, expenditures, etc. In educational administration these matters have long been regarded as the prerogative of educational policy makers, governing boards, and executive officers.¹⁸

The third right would be related with budget preparation, funding, levying taxes, and maintenance of a personnel system operating under merit principles.¹⁹

There is a problem existing in public administration that does not abide in the industrial society. The public manager finds himself torn between political authority versus administrative authority, and only in reconciling the two does he become a viable and constructive manager. Heinz Eulau observes this unique situation as a "multi-role structure."

Many relationships are not structured by unipolar roles alone. In most cases, a role is at the core of several other roles, making for a network of roles that can be very complex. A legislator is "colleague" to his fellow legislators, "representative" to his constituents, "friend" (or enemy) to lobbyists, "follower" to his party leaders, "informant" to the press, and so on. Whatever role is taken, simultaneously or seriatim, what emerges is a very intricate structure of relations in which one role is implicated in several other roles.²⁰

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Heinz Eulau, The Behavioral Persuasion in Politics (New York: Random House, 1964), p. 41.

The employer is responsible in this situation to both the voter-employee and the sovereignty of the state. In private collective bargaining, ultimately the right to strike is the final indicator of how strongly either side feels about an issue. If there is no such relief mechanism, there is much more responsibility placed on management to hold onto and properly administer managements' rights.²¹

Whatever the case, the people of our society ultimately determine the extent of management's rights. With these rights also comes responsibilities to the government, the people, and the employees.

What is most important is the employees' perception of management's rights. Government managers have been challenged to a profound psychological readjustment and to a practical re-tooling. The following are among the fundamental demands being placed upon management to retrench its thinking.

First: That they understand the essential character of collective bargaining as a process of joint decision making by employees and management--instead of the practice of one-sided personnel action, no matter how beneficial its results.

Second: That management officials actually put into practice the techniques of collective bargaining. This has meant meetings and conferences (as often as necessary--and then some) around the same table (and sometimes around the clock) with employee representatives in order to reach an agreement on terms and conditions of employment--instead of making decisions in the privacy of the governmental office chamber.

Third: That management officials explain, justify, and defend their actions and policies before employee representatives, instead of having the last unquestioned word.²²

²¹Warner, Development in Public Employee Relations, p. 29.

²²Keith Ocheltree (Ed.), Government Labor Relations in Transition (Chicago, Illinois: Public Personnel Association, 1966), p. 34.

In summary, the public manager is made responsible for closing the cultural gap through maintaining a productive relationship with his employees. This encompasses exclusive managerial rights while at the same time including an accommodation of collective bargaining (or shared rights), and development of techniques for preventing strikes and threats of strikes.²³

The public

In this study the public is equated with the general welfare which has been described as a social process involving two basic components: (1) goals which lie within the evolutionary mainstream of the social ethic; (2) fair, orderly, and democratic means of achieving these goals.²⁴

The "general welfare" is a nebulous, changing thing which has no fixed substantive content. A special committee for the National Council of Churches has said this of "general welfare" issues debated a century ago.

(1) Child labor was approved on the grounds that it expanded the national wealth by enlarging the work force, encouraged low competitive production costs, and kept youth out of leisure time trouble; (2) labor unions were condemned as criminal conspiracies which injured society by forcing up prices for goods, thus destroying competitive markets; (3) human slavery was accepted as a means of bringing black Africans to Christ; (4) imperialist expansion was seen as a means of carrying out God's plan of manifest destiny for the White Man, at the same time expanding the Christian mission field.²⁵

²³Ibid., p. 5.

²⁴National Council of Churches, The Right to Strike and the General Welfare, p. 17.

²⁵Ibid.

While the general welfare issue is highly philosophic in nature, it should be understood that in a democracy public administrators and public employees have an obligation; they are both servants of the people. Both these groups owe it to the public to keep their relationship in such a state that there is no breakdown in the public service. The public, in turn, owes to both management and employees just, perhaps even generous, compensations with no undue sacrifice of health.²⁶

The public has the right to demand maintenance of essential services such as its health and survival which private agencies cannot render and which services, if they failed, would cause serious problems.

The public, as a basic right, can also demand full knowledge of its business, of what it is paying for services, of what demands are being made upon its employees, and of all the ramifications of any decision in personnel problems. Even the employee-employer relationships in public service cannot be a private matter for ideally the public is the omniscient, omnipresent being that protects the general welfare.²⁷

What is often confusing is that labor and management are also members of a "public," which is a subgroup of the total general welfare. Too often, these "publics" press for their own interests under the guise of improving the general welfare, and it is here that the ideal body-politic breaks down.

In conclusion, the foundations of collective bargaining in the

²⁶Warner, Development in Public Employee Relations, p. 115.

²⁷Ibid.

public service have been born in a negative cosmos. Only recently has the public recognized that its employees and managers are subject to similar, yet often more ambivalent, problems that exist in the private atmosphere.

The public employee is seeking a collective-representative identity, while the public manager is seeking to alleviate role conflict through greater sharing of managerial rights in collective bargaining processes.

The public, or general welfare, is still as amorphous as it was a century ago. It is a social process that changes with the advance of culture, constantly hoping to avoid an anachronistic breakdown of values that are established to protect and provide for the commonwealth.

CHAPTER III

THE CITY MANAGER AND COLLECTIVE BARGAINING

William Penn stated that "Governments are like clocks, they go by the motion men give them." That city managers provide motion in city government cannot be disputed. The question asked here is how much motion do they provide in Utah's municipalities.

Historically, the council-manager form of government is generally credited to the creativity of Richard S. Childs. To obtain a detailed history of the city manager's development, including Richard S. Child's philosophy and early prognostications in the program, one should turn to Leonard D. White.¹

In brief, the council-manager plan was promoted by the National Short Ballot Organization as part of its program to make government more responsible by reducing the number of elective officers. Later, the National Municipal League made a study of the council-manager plan in 1913, and since 1915 has promoted the adoption of this form of government.² Supported primarily by reform groups, this system of municipal direction was thought to be the best yet devised for simplifying governmental machinery to the point where citizens could understand it, be active in it, and see results without having their

¹Leonard D. White, The City Manager (Chicago, Illinois: The University of Chicago Press, 1927).

²Ruth Y. Wetmore, "Council and Commission Manager Government," Citizens Pamphlet Series #29 (Lawrence, Kansas: Governmental Research Center, University of Kansas, 1960), p. 2.

efforts frustrated by the governmental structure.³

Basically, the provisions that constitute the essence of the plan are relatively simple:

(a) A small lay council elected at large on a nonpartisan basis, responsible for all legislative powers, and (b) a chief administrator, the city manager, who serves at the pleasure of the council as a professional man and is responsible for all administration.⁴

Role of the council

As the initial governing body, the council determines municipal policies by adopting ordinances, voting the necessary appropriations, and appointing the city manager as chief administrator.⁵

Usually, the city council is elected at large with no distinction among them with regard to title or duties. The chairman of the council is often given the title of mayor and is usually no more active in city government than his fellow councilmen.⁶

While this study does not deal with the council directly, it should be understood that the city manager is the "hiring" of the council, who in turn are the representatives of the public general welfare. In an ideal situation the council would initiate all policy, and the manager would enact it.

Thus, in collective bargaining practices the city manager should act as a mediator between the employee representatives and the council.

³Ibid., p. 3.

⁴Kammerer, City Manager in Politics, p. 6.

⁵Wetmore, p. 3.

⁶Ibid., p. 4.

Role of the manager

While most municipal policy is determined by the council, day-to-day administration is the responsibility of the city manager. The manager is selected on the basis of his experience, training, and abilities in handling municipal affairs. This includes directing and coordinating the administrative activities of the various city departments and, in some instances, selecting the departmental heads.

The duties of a city manager are numerous and often complex. However, those duties usually listed in the city charters include:

- (1) To see that all laws and ordinances are enforced.
- (2) To exercise control (within a civil service system) over all departments and appoint, supervise, and remove department heads and subordinate employees of the city.
- (3) To prepare the budget annually, submit it to the council, and be responsible for its administration after adoption by the council.
- (4) To keep the council advised of the financial condition and future needs of the city.
- (5) To prepare and submit to the council such reports as may be required by that body.
- (6) To make such recommendations to the council concerning the affairs of the city as seem advisable.
- (7) To keep the public informed, through reports to the council, regarding the operations of the city government.⁷

Job security is almost nil since the city manager has no claim to tenure of office. He holds his position at the pleasure of the council and may be removed at their will.⁸

The concept of professionalism in the managerial position is often thought of in several terms. Among these are educational

⁷ Ibid.

⁸ Utah Municipal League, Municipal Laws of Utah Annotated (Salt Lake City, Utah: Utah Municipal League, 1962), p. 47.

background, public or nonpublic careerline orientation, and appointment locally or from outside, with present leanings toward the social sciences.⁹

As for specific qualifications, most states are quite lenient; and even the International City Manager's Association has no rigid requirements on membership.¹⁰

The city manager in Utah

The city manager is still quite unique in Utah's municipalities. At the beginning of the 1968 year, the Utah Municipal League listed a total of twenty-two city managers in Utah.¹¹ This breakdown according to population and number of cities is given in Table 2.

Table 2. Percentage of council-manager cities by city population in Utah

Population Group	Total No. of Cities in Group	Cities with Council-Manager Plans ^a	
		Number	Per Cent
100 to 1,000	131	5	3.8
1,000 to 10,000	72	12	16.5
10,000 to 25,000	8	4	50.0
25,000 +	3	1	33.3
Total	214	22	**

^aSee Appendix B for complete listing of cities in Utah with council-manager plan.

⁹Kammerer, City Managers in Politics, p. 8.

¹⁰Wetmore, p. 8.

¹¹Utah Municipal League, Directory of Utah Municipal Officials, 1968-1969, p. 1-42.

According to these figures, 10.2 per cent of Utah municipalities employ city managers (for this study only cities with a population of 2,000 or more were surveyed for employee organizations).

The council-manager plan seems to be most popular in Utah's third class cities; this was supported by the fact that Utah has only three second class cities and one first class city at present.¹²

The smaller cities are finding a definite need to administer and coordinate their efforts as they expand through use of the city manager.¹³ No longer are only the large, reform-oriented cities switching to the program, but also towns and smaller communities. For example, in 1966 there were only eleven city managers listed in Utah. Ten years later there are twenty-two.¹⁴

This trend is perhaps resultant from the policy-initiation role city managers have begun to adopt in recent years. As Dr. Gladys Kammerer sees the issue, managers are becoming stronger because of four reasons.

(1) Managers know the problems of the community better than anyone else; (2) the council commonly fails to fulfill the policy-making task ascribed to it under the plan; (3) the leadership of a single individual is necessary to continuing political leadership; and since the plan removes the mayor from this position, the manager is the only one who can fill the gap; and (4) the increasing complexity

¹²Utah Municipal League, Directory of Utah Municipal Officials, 1968-1969, p. 1-42.

¹³Telephone interview with Almon A. Nelson, City Manager of Sandy, Utah, July 28, 1968.

¹⁴International City Managers Association, The Municipal Yearbook 1967 (Chicago, Illinois: International City Managers Association, 1967), p. 567.

of community problems inevitably pushes political leadership into the hands of the "expert" and out of the hands of the legislative body.¹⁵

The Municipal Laws of Utah are silent in regards to degree of training or experience needed prior to appointment of a city manager. In fact, the appointee need not even be an elector in the city where he is appointed.¹⁶

In determining the manager's professional status and potential role in collective bargaining procedures such factors as age, education, previous experience, and location of experience were tested.

Age. The age factor provided a quick glance at what age men would be most likely found in city management. The city manager in Utah fits into a fairly narrow age category as can be seen in Table 3.

Table 3. Age grouping of Utah's city managers

Age grouping	No. of Managers in group	Per cent
25 to 35	0	0
35 to 55	11	79
55 +	3	21

¹⁵Kammerer, City Managers in Politics, p. 19.

¹⁶Utah Municipal League, Municipal Laws of Utah, p. 47.

The mode would be at the 45-55 age grouping with the mean age being 48.9 years. The minimum age of a city manager was 36 years, and the maximum age was 62 years.

Education. Education is not a prerequisite for city management; however, 71 per cent of the managers had some college training, with 51 per cent having graduated from an institution of higher learning. Three of the managers completed high school (21 per cent) only, and one manager completed only the tenth grade. Only two of the city managers listed have completed one year or more of graduate school.

Of the eight city managers attending an institution of higher learning and receiving a degree, one graduated in landscape architecture, one graduated in law, three graduated in business administration, one graduated in political science, and two graduated in civil engineering.

In all cities over 10,000, the city manager had some college training, with the smaller cities under 10,000 having the managers with high school training or less. One exception, however, is Monticello where an attorney is city manager.

Experience. All the city managers surveyed listed having had previous administrative experience of some sort.

Of the managers questioned concerning experience in industry or small business, 21 per cent responded with an affirmative answer. Those listing experience in public service numbered 42 per cent, and those listing experience in both public works and business totaled 37 per cent.

As for location of experience, five of the managers (36 per cent) obtained their experience locally, one (7 per cent) received his

training in the state but out of the community. Eight of the managers (57 per cent) received training both locally and in the same state. Information on managers with specific training outside the state was not obtainable.

Table 4 shows the correlation of type of experience to location of experience.

Table 4. Type of experience of managers in relation to location of experience

Location of experience	Type of experience		Per cent
	Business	Public Service	
Local	2	3	36
State	1		7
Both	3	5	57
Out of state ^a			
Total	6	8	100

^aOut of state experience was not listed by the city managers.

From the data collected in this study, it is very hard to determine to what degree a manager is termed professional. Only three men surveyed were born out of state, and those having a higher degree obtained the degree in-state. All experience listed both in business and with the public was obtained either in-state or locally. The postulate that city management is shifting from its domination of engineers and toward the social sciences does seem to hold true here.¹⁷

¹⁷Kammerer, City Managers in Politics, p. 8.

Role in policy formation. One factor that tends to hint toward lack of political efficiency in the office of Utah's city managers is the high number of mayors who are elected by a plebiscite.

The general structure of the council-manager government downgraded the mayor in importance, leaving him little more status than an ordinary councilman.¹⁸ However, where a mayor is elected at large his potential authority is somewhat stronger. The International City Managers Association (ICMA) has been ambivalent on the matter of policy leadership by the mayor, on occasion citing the mayor as the leader on public policy questions and elsewhere pointing to the futility of the manager trying to work through the mayor on policy proposals.¹⁹

In Utah's council-manager municipalities thirteen (93 per cent) of the mayors are elected at large. One mayor in the fourteen cities studied is chosen by the vote of the council.

From this type of arrangement several problems can arise, the most significant being failure to provide a structural role of political leadership.

The chief areas of conflict in the actual operation of the council-manager model center around the roles of mayor and manager. A vigorous mayor tends to become impatient with his limited powers and often finds himself invading the area of administration. If the manager also happens to be an aggressive person he will resent the mayor's invasion of his own sphere of action.²⁰

¹⁸Ibid., p. 7.

¹⁹Clarence E. Ridley and Orin F. Nolting, The City Manager Profession (Chicago, Illinois: The University of Chicago Press, 1934), p. 31-32.

²⁰Pfiffner and Presthus, p. 183.

Another determinate of the city manager's actual influence on policy would be whether or not the city manager heads all administrative units of the city and has the power of appointment and removal of all administrative personnel without interference from the council.

If the city manager has no authority to appoint and remove department heads, he is severely handicapped in community policy formation. The National Municipal League's (NML) Model City Charter specifically calls for a clear distinction between the powers of the elective council and the city manager. The manager is given complete authority to appoint and remove department heads and to administer a personnel program.²¹ In fact, members of the council are prohibited by law from giving direct orders to subordinates of the manager under the Model Charter.

The Utah survey again pointed toward a weakness in the city manager's appointment strength. Only three (21 per cent) of the managers listed full appointment of department heads; seven of the managers (50 per cent) shared their appointing powers; and four (29 per cent) listed neither appointing or sharing in selecting department heads.

Table 5 shows the city, appointing power of the manager, and where the appointing power is shared.

In theory, the separation of policy-making and administrative procedures add competence and increased results in each area.²²

²¹National Municipal League, Model City Charter (5th Edition, New York: The League, 1941), Sec. 7.

²²Wetmore, p. 11.

Table 5. Appointment of department heads by Utah's managers^a

City	Appoints	Shares	Neither	Shares with		
				Mayor	Council	Both
American Fork		X		X		
Bountiful			X		(Council appoints)	
Cedar City		X				X
Clearfield		X			X	
Monticello			X		(Council appoints)	
Nephi			X		(Mayor and council appoint)	
Ogden	X					
Orem		X			X	
Richfield		X		X		
Roy			X		(Mayor and council appoint)	
St. George	X					
Sandy	X					
Vernal		X				X
West Jordan		X			X	
Total	3	7	4	2	3	2

^aSource: Utah City Manager Survey conducted by author.

However, the thin line dividing policy making by the council and administration by the manager is nebulous and cannot be fixed. For this reason the author can only observe passively what seems to be and leave the actual question as to what is policy for someone else. As Ruth W. Wetmore states:

The thin theoretical line between making of policy and its execution will not be noticed by the average citizen. He will blame or praise the city manager for what is or is not done, as the manager is an accessible target--a figure closely associated in the public mind with municipal government.²³

Role in collective negotiations. The responsibility of improving employee morale through a better spirit of understanding between management and employees is becoming crucial in the municipal public service. The city manager is becoming acutely aware of his prominent role in personnel problems dealing with collective bargaining procedures.

Several years ago a distinguished labor leader said:

City managers should be jealous about sharing their executive responsibility and prerogatives. At the same time, they should also realize that the rank-and-file employee in the department or agency must be given a sense of group participation not only in the process by which the labor standards are determined, but also in contributing to the functional objectives of the department. Given this measure of participation, the rank-and-file employee is made to assume a role of some responsibility in general departmental problems to which he is now too often indifferent unless the problem selfishly concerns his own well being.²⁴

²³ Ibid., p. 14.

²⁴ David D. Rowlands, "Unions Enter City Hall," Public Management, Vol. 48 (September, 1966), p. 252.

In analyzing the Utah city manager's position in employee negotiation procedures, it was found that in 93 per cent of the cities surveyed the city manager was directly involved in helping to represent city government at the bargaining table. Three of the cities stated that both the manager and council were jointly involved in negotiations, and one city stated that only the council was involved with employee groups.

Because of the informality that exists in the employee groups and the lack of a cohesive, organizational structure, there appears to be three ways for employees to approach management about their grievances. This can be seen in Figure 1.

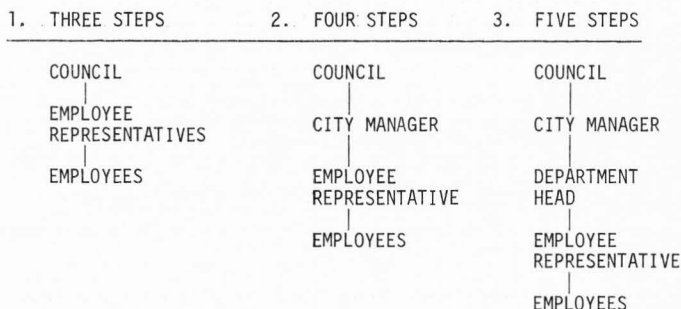


Figure 1. Typical forms of approach to management by employees over negotiation issues

The second method was the most popular of the three methods, indicating that the city manager does have an important role in negotiations, but only as an administrator.

In only three cases did the city manager appear to have decisional authority over some of the collective grievances reaching

him, with the council serving an appeal capacity. For example, one manager stated in response to the question concerning proper method of approach to administration by employees that "Employees should approach the city manager who studies the request and then passes it on to the city council if necessary."

In conclusion, the city manager's role in collective negotiations with municipal employees is quite significant. However, the "motion" William Penn speaks of seems to be an administrative rather than policy motion for Utah's city managers.

The city manager, as was pointed out earlier, is the "hireling" of the council. For him to be politically potent two factors have to be present (1) a weak mayor, selected by the council, and (2) authority to appoint and remove department heads. In Utah these two factors are almost non-existent.

It is difficult to label the city managers in Utah with any form of professionalism. First, the city manager is a rare creature, with only ten per cent of the municipalities having this form of government. Second, the personal data collected here was insufficient to measure professionalism. None of the men appeared to be out-of-staters who were hired because of previous manager training. The study also indicated that policy influence could be greatly varied because nearly all the managers were "local boys," or at least from the same state. It also indicated that they received public training in the same geographic local.

One indicator that Utah's city managers are becoming more professional in nature is the apparent switch from technical specialists to people with liberal and social science backgrounds.

Last, the city manager's role in collective bargaining is part of the procedure in nearly every case. The council assumes the final decision concerning employee grievances and concessions, with the manager assuming a secondary, and almost exclusively, administrative role.

CHAPTER IV
COLLECTIVE BARGAINING IN THE
COUNCIL-MANAGER MUNICIPALITY

The study of collective bargaining practices in Utah's city manager municipalities has revealed some interesting facets of bargaining and negotiation. As previously stated, there are many definitions of collective bargaining. The most complimentary definition, in relation to this study, is found in James Belasco's case study on Collective Bargaining in City X. To reiterate:

Collective bargaining shall be the process of negotiation between the representatives of two groups where each possesses something which is of value to the other. The two parties involved in the employment relationship are the employer and the employee.¹

This definition was specifically selected for its lack of emphasis upon organized employee groups and especially unionization. Rather, the study emphasizes the phrase "process of negotiation between the representatives of two groups where each possesses something which is of value to the other."²

This chapter will examine existing negotiation practices in the cities surveyed and determine the scope of issues bargainable. It will also examine the existence of merit and non-merit systems and measure the effect such a system has upon bargainable issues within each city.

¹Ocheltree (Ed.), Government Labor Relations in Transition, p. 34,.

²Ibid.

At this point it should be mentioned that three types of employee organizations exist. They are the (1) nationally affiliated union, (2) the independent employee associations, and (3) a subgroup of the independent employee association existing at an unstructured grouping of employees that have no label of cohesiveness or title of organization. As Dr. Edward E. Jones and Dr. Harold B. Gerard view the subgroup, it is an informal organization.

Similarly, the notion of group structure is a convenient abstraction designed to capture the organized quality of group interaction and persistence or recurrence of the same forms of interaction over a period of time. A group structure may be formally elaborate, as in an established corporation, a university, or an army, each with its clearly specified tables of organization; or the group structure may be informal, as a streetcorner gang, a car pool, or a family.³

This chapter deals with both the formally organized unions and employee organizations, and the informally structured employee groups with emphasis on the latter. On all three levels some form of collective, group negotiations is conducted.

Employee organizations

In considering employee organizations, the study will first examine the union and second the independent employee associations which are formally organized in Utah.

In only one of the cities surveyed was there a nationally affiliated union, in Ogden. According to city manager Charles Kelley, 55 per cent of Ogden's firemen belong to the International Association of Fire Fighters (IAFF) "for the purpose of obtaining higher

³Harold B. Gerard and Edward E. Jones, "Psychological Bases of Group Structure," Foundations of Social Psychology (New York: John Wiley and Sons, Inc., 1967), p. 642.

pay, etc." Nationally, this organization has a total membership of 115,000 and represents 90 per cent of all paid firemen.⁴ Essentially, the Fire Fighters Union has withstood militant trends and still maintains a no-strike pledge.⁵ The IAFF is most likely to be found in larger cities, specifically cities that are central metropolitan cities.

Three of Utah's council-manager municipalities have local non-affiliated associations. Ogden has three: The Ogden City Employees Organization, The Police Benefit Association, and The Ogden Firemans Association. Bountiful has an Employee Organization for city employees with the primary purpose being social interaction. The Clearfield City Employee Organization, according to the city manager, is for "the purpose of discussing our problems, aims, and goals. Our purpose is to maintain good employee-employer relationships."

These independent local employee organizations exist in many cities throughout the country; their effectiveness in representing municipal employees in policy matters depends upon a number of variables, i. e., group cohesion, effective local leadership, and community attitudes.⁶ Outside of Utah, the largest number of local non-affiliated associations would be found in police departments. In the 1966 survey conducted by Professor Winston W. Crouch on

⁴Business Week, "Public Employees ask for a Better Shake," Vol. 98 (December 3, 1966), p. 92.

⁵Ibid.

⁶Crouch, "Employee Organization in Council-Manager Cities," p. 146.

"Employee Organizations in City Manager Cities," it was found that 39.5 per cent of the cities having organized employees had police associations. He also found that 36.4 per cent of these cities also had some type of all-city employee association.⁷

The city employee association, according to Dr. Crouch, is a type of organization that attempts to cut across skill and other affinity lines of association among municipal workers and to unite the work force into one group for "social, benevolent, and interest-articulation purposes."⁸ Again this type of organization exists in larger cities, especially the larger central metropolitan areas.

The formal employee organizations in Utah city manager municipalities can be seen in Table 6.

Table 6. Formal employee organizations

City	Population	Name of organizations			
		IAFF	Firemans Assoc.	Police Benefits	All City Employee Org.
Bountiful	27,000				X
Clearfield	11,500				X
Ogden	76,000	X	X	X	X

Size is a dominating factor in the existence of formal employee organizations. In his study, Dr. Crouch concludes that (1) the probability of organizations existing in cities is directly related

⁷Ibid., p. 141. (This survey was part of a research project sponsored by the International City Managers Association)

⁸Ibid.

to city-size; the larger the city, the more apt it is to have employee organizations in its work force, (2) cities located within metropolitan areas have greater probability of being organized than those outside such areas, and (3) central cities are more likely to have a variety of organizations than does the suburban community.⁹

The three cities listing formal employee organizations in their public workforce are all located along the Wasatch front, and they are within a fifty-mile radius of each other. All are cities over 10,000 but are not necessarily all central metropolitan areas. Because the sample is so small it is hard to disagree with the findings of Dr. Crouch, especially concerning the size variable. However, there are also cities in Utah with populations over 10,000--Orem (25,000) and Roy (15,000)--that list no employee organizations.

Of the five cities surveyed with a population of more than 10,000, three (60 per cent) listed some form of formal employee organization.

Eleven of the cities surveyed listed no formal employee organizations in their cities, yet admitted that collective negotiations could, and did, take place with public municipal employees.

Before leaving the area of employee organizations, it is worthy to note that in the cities surveyed all indicated that there is no law prohibiting employees from organizing for the purpose of bargaining. The only limiting factor for employee organizations seems to be size of work force. The sense of efficacy in negotiations will undoubtedly follow with formal organization of public workers and

⁹Ibid., p. 157.

where employee representatives can obtain agreements with the governing body.

Current practices

To determine how widespread the different approaches to management relations by public employees in Utah's manager municipalities are, a survey question was asked to the effect: In negotiating with your public employees do you have a formal arrangement, informal arrangement, or advisory arrangement? This question was based upon a similar study by Mrs. Eleanor R. Batson under the aegis of the Public Personnel Association.¹⁰

The question was purposely left open-ended so the respondent could comment and explain current negotiation practices. Because of the variations in practices it was quite difficult to categorize and statistically treat this subject. For this reason, information obtained from the questionnaires will be partially presented by quoting replies in the three categories.

Table 7 shows the breakdown of current negotiation practices in Utah's council-manager municipalities.

Formal program. The city manager's response to this question concerning program practices undoubtedly depends on management's perception. Rather than try to interpret whether the program was formally authorized or formally conducted in the two cities in this category, the study will report the answers as listed.

¹⁰ Kenneth O. Warner (Ed.), Management Relations with Organized Public Employees: Theory, Policies, Programs (Chicago, Illinois: Public Personnel Association, 1963), p. 139.

Table 7. Current negotiation practices in Utah's council-manager municipalities.

Negotiation program	Cities Surveyed	
	Number	Per Cent
Formal program	2	14
Informal program	8	57
Advisory program	3	21
No program	<u>1</u>	<u>7</u>
Total	14	99

Since I have been city manager, we have involved employees in committee work in developing our wage classification system and keeping it up to date. We just completed a thorough review of the system and upgraded salaries in most classes.

We have adopted a classification system similar to the Federal (G.S.) program for our public employees.

Informal program. Eight cities listed an informal negotiation program for their employees. Again the interpretation of informality is left to the city managers' discretion. A few of the comments are listed below.

Any problems within the Clearfield Employees Organization is discussed for possible solution with the city manager. The city manager then takes the matter to the city council for final solution or action.

We meet with the employees informally at budget preparation time.

The city manager first meets with the employees then the department heads. Any problems are then brought before the mayor and council for discussion.

Advisory program. This program is closely related to the informal program. There were three cities reporting this form of

classification. Of these, Ogden seems to have a true advisory program.

The Personnel Department has an Advisory Board made up of top people who determine a fair salary rate compared to industry locally, and civil service at military bases. Salaries are adjusted each year or two as necessary, and as funds are available. Offices of the various organizations are called in and informed. The same is true with fringe benefits. This advisory board includes representatives from business, government and rocket industry, chamber of commerce, etc.

The city manager discusses problems with employees; then the manager negotiates for the employees with the administration.

The city manager meets with the supervisors of employees and discusses problems that may exist. The manager then discusses the problems with employees and informs them of any changes.

Only one city listed no form of negotiating arrangement.

However, the city manager qualified himself and stated that if anything is disrupting the employees, they can "approach the council through the city manager."

Satisfaction with agreement

As a follow-up response to the questionnaire the survey queried the city managers on satisfaction with the present bargaining situation. Of those responding, eleven (79 per cent) said they were satisfied with existing conditions. Of those satisfied with the status quo, the majority admitted that size of work force was the stabilizing factor. As employee groups expand, formal employee organizations should automatically arise, and formal bargaining procedures will be enacted within the city groups.

Next to size, employee-management rapport seemed to rank second. Because nothing had motivated employees to the point of

strikes or walkouts in the cities surveyed, it was felt that municipal employees were contented; and therefore formal negotiation procedures were not yet needed.

One of the most articulate statements in favor of existing procedures came from the city manager of one of the larger cities.

He stated that

So long as administration fairly tries to provide equitable salaries and benefits without waiting until forced to do so, and so long as the city manager retains direct and friendly contact with employees and officers of the organizations to keep them informed and feeling like they are a part of the study processes, then this arrangement is adequate.

Two of the managers did not respond to the satisfaction question, and one respondent felt that his city's methods were not adequate but felt that nothing could be done until a formal employee organization came into existence.

Most of the city managers were farsighted enough to recognize that external changes necessitated internal changes and felt that flexibility was the key to management-employee relations. Most felt their particular system was "working," and therefore suitable for their needs.

It should be mentioned again that these responses are from the "employer." The "employees" may relate a different perception when they are surveyed about their satisfaction with existing conditions.

Merit systems

Undoubtedly collective bargaining will affect merit principles in public employment. In fact, collective bargaining poses a serious threat to continuation of merit systems and personnel programs in

their present structures. The roles of the personnel officers and technicians will require re-tooling and updating, and the civil service commission's relationship with administrative officials will need restructuring.¹¹

Some unions take a dim view of merit systems because of the claim that the systems handicap union growth and impede their progress. Jerry Wurf, International President of the American Federation of State, Country, and Municipal Employees (AFSCME), states that "Civil service commissions are not impartial third parties, but rather representatives of the employer."¹² Mr. Wurf, in stating the union's view, advocates merit principles of recruiting qualified people but in the same breath denounces merit system encroachment on union rights.

The unaffiliated local associations are much more favorable toward merit systems than unions and have often attacked union officials for their anti-merit system policy.¹³

The Utah survey did not ask the city managers about their feelings concerning merit systems, rather whether or not they had merit services in their cities. The Municipal Laws of Utah mention only first and second class cities in the section concerning civil service regulations.¹⁴ Third class cities and towns are not directed by law to establish a civil service, yet many have done so in their

¹¹ Warner and Hennessy, Public Management at the Bargaining Table, p. 259.

¹² Ibid., p. 286.

¹³ Ibid., p. 287.

¹⁴ Utah Municipal League, Municipal Laws of Utah, Article 3, Section 10-10-10, p. 197.

city charters.

Before reviewing the results of the survey, it might be helpful to define merit system. The merit system is "a system of civil service recruitment and organization based on (1) competitive examinations, (2) relative security of tenure, and (3) political neutrality."¹⁵

The response to the questionnaire showed that seven (50 per cent) of the city manager cities classified themselves as being merit, and seven (50 per cent) said they had non-merit systems of municipal government.

Table 8 shows city manager evaluation of cities with merit or non-merit classification and the type of bargaining procedure used to negotiate with employees.

Scope of bargaining

To measure the scope of bargaining in Utah's council-manager municipalities, the questionnaire listed seven issues which are indigenous to municipal government. The city manager was asked to check the issues that were considered negotiable with the public employees involved. The seven issues were (1) wages, (2) benefits, (3) group insurance, (4) working conditions, (5) hours, (6) classifications, and (7) the city budget. The results are shown in Table 9.

The tabulated results showed that thirteen cities (93 per cent) allowed negotiations on wages. Eight cities (57 per cent) permitted employees to bargain over benefits. In seven cities (50 per cent) group insurance and working conditions were considered

¹⁵Van Riper, p. 100.

Table 8. Merit and non-merit classification of city manager municipalities and negotiation procedure used^a

City	Classification		Negotiation Procedure		
	Merit	Non-merit	Formal	Informal	Advisory
American Fork		X		X	
Bountiful		X		X	
Cedar City		X		X	
Clearfield		X		X	
Monticello	X			X	
Nephi	X			X	
Ogden		X			X
Orem	X		X		
Richfield	X			X	
Roy	X		X		
St. George		X			X
Sandy	X				X
Vernal	X			X	
West Jordan		X		X	
Total	7	7	2	9	3

^aMerit classification and negotiation procedure evaluation is based on city managers' response to questionnaire.

Table 9. Negotiable issues in Utah's city manager municipalities^a

City	Wages	Benefits	Group Insurance	Working Conditions	Hours	Classifications	City Budget
American Fork	X	X	X				X
Bountiful	X	X	X	X	X	X	
Cedar City	X						
Clearfield	X	X	X	X	X	X	X
Monticello	X	X				X	X
Nephi	X	X		X			
Ogden							
Orem	X	X	X	X	X	X	
Richfield	X			X	X		
Roy	X	X	X	X	X	X	X
St. George	X		X		X		
Sandy	X			X			
Vernal	X		X				
West Jordan	X	X					
Total	13	8	7	7	6	5	4

^aSource is from survey response from city managers in Utah.

negotiable. Six cities (43 per cent) permitted employees to bargain about working hours, and five cities (36 per cent) allowed negotiation over job classifications. On the most crucial issue, the city budget, only four of the cities (29 per cent) permitted municipal employees to sit with management.

In only one city did the manager list that employees could not bargain on any issues, and two respondents indicated that their employees could bargain on all issues.

The correlation of merit, negotiation procedure, and scope of bargaining can be seen in Figures 2-4. The first graph shows the relationship between negotiation procedure and merit system when integrated with the total amount of bargaining issues. Though the sample is small, a general pattern tends to emerge.

In the merit-formal situation 93 per cent of the issues were subject to bargaining while in the non-merit formal situation 100 per cent of the issues were considered negotiable. In the merit-informal structure public employees could bargain over 43 per cent of the seven items listed; and in the non-merit-informal situation 46 per cent of the issues were considered. Last, the merit-advisory situation allowed bargaining on only 36 per cent of the issues and the non-merit-advisory situation did not allow any negotiations on any issues.¹⁶

Figures 3 and 4 are a further breakdown of negotiation flexibility according to (1) negotiation procedure, and (2) merit system classification.

¹⁶For complete listing of cities' response see Table 7.

Per cent



Figure 2. Per cent of issues bargainable according to merit classification and negotiation procedure

* Note 7 = 100%

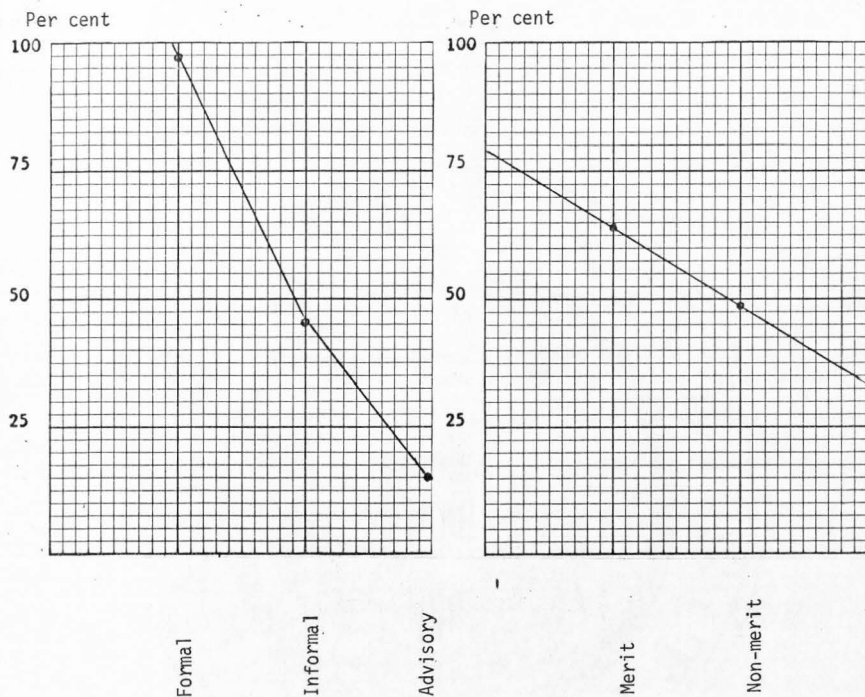


Figure 3. Per cent of bargaining in each negotiation procedure

Figure 4. Per cent of bargaining according to merit or non-merit classifications

Source: Obtained from survey questionnaire response by city managers of Utah.

** 7 = 100%

In a formal situation of negotiation 97 per cent of the issues are eligible for negotiation; while with the informal procedure, only 45 per cent of the issues were bargainable. The advisory situation tended to be lowest with only 18 per cent of the issues considered bargainable.

The difference between merit (67 per cent) and non-merit (45 per cent) is 18 percentage points, indicating greater mobility in the former classification.

What was suspected in the beginning of the study seems to parallel with this particular synchronization. This is that (1) there tends to be more leeway or flexibility in a formal bargaining situation where both employee and employer have an agreement, and (2) a merit situation allows more collective negotiations than a non-merit situation for groups of small, informally organized employees.

Before leaving the area of collective bargaining procedures and scope of bargaining, it might be well to mention something of uniformed employees (i.e., firemen and policemen) and their role in negotiating. Uniformed employees are most often considered as being vital and indispensable to the public general welfare.

Because of stringent laws that accompany uniformed employee positions, bargaining may appear as "quasi-strikes." For example:

When 80 per cent of the Pontiac, Michigan, police force called in sick for two days in 1966, no one had much trouble deciphering what was happening. A similar outbreak, termed "blue flu," hit the Detroit Police Department last summer after Mayor Jerome Cavanagh announced the 1967-68 budget contained no money for police pay increases. One of the most lingering illnesses of this type afflicted social workers

in Westchester County, New York. The 155 workers telephoned in sick every day for most of last March and April.¹⁷

Similar slowdowns have taken place in the fire department. In April, 1967, New York City firemen went into action when actual fires were reported but otherwise sat about the station refusing to carry out drills, do maintenance work, or make inspections.¹⁸

Recently, Utah has also experienced problems with police and firemen in its first and second class cities.¹⁹

Because of these unhappy experiences, management usually excludes the uniformed employees from the same bargaining formalities as other employees. To measure this facet of collective negotiations a question was asked in the Utah Survey as to whether or not uniformed employees could participate on the same level of bargaining as other city employees. Table 10 shows the response by Utah's city managers.

Table 10. Per cent of uniformed employees able to negotiate on same issues as other municipal employees

Uniformed employees ^a	Yes	No	Per cent uniformed employees able to negotiate
Policemen	14		100
Firemen	11	3	79

^aThe city managers listed only police and firemen as uniformed employees.

¹⁷Gordon T. Nesvig, "The New Dimensions of the Strike Question," Public Administration Review, Vol. 28, No. 2 (March/April, 1968), p. 128.

¹⁸Ibid., p. 129.

¹⁹Letter from A. M. Ferro, Legal Consultant for the Utah Municipal League, to writer, July 19, 1968.

In 100 per cent of the cities surveyed, policemen were able to negotiate on the same issues as other employees. Three cities (21 per cent) said that firemen could not negotiate on the same level as other public employees.

This would seem to indicate that most city employees are considered equal in group negotiations. The three cities excluding firemen gave no specifics as to why they were excluded; however, there is a possibility that volunteer fire departments could exist. This could explain the managers' failure to include this group of employees in collective negotiations.

In conclusion, the study of collective bargaining in Utah's council-manager municipalities has revealed that basically three types of employer organizations exist: (1) the union, (2) the independent local association, and (3) the informal employee groups of smaller cities. All three groups tend to negotiate collectively when opportunity arises.

Current practices revealed that three forms of negotiations are present in Utah: (1) formal, (2) informal, and (3) advisory. Upon correlation of these negotiation procedures with merit classification and issues bargainable, it was discovered that the merit-formal situation provided the most leeway in negotiating over the seven issues listed.

The survey also attempted to measure satisfaction with existing management-employee situations. Most city managers agreed that there was a good rapport. This parallels with what Mr. A. M. Ferro stated:

Most of our communities have relatively few employees and have developed a personal acquaintanceship between the officers and employees, which apparently has been conducive to good personnel relationships.²⁰

It was also noted that merit systems need to be updated if collective bargaining is going to be an effective and cohesive force. One-half of the cities questioned listed having merit systems; however, each manager had the liberty to define his own type of merit civil service since Utah's Municipal Laws are silent on the matter.

Utah, and specifically the council-manager municipality, is unfamiliar with traditional collective bargaining per se. For this study, collective bargaining circumvented traditional union-management limitations and definitions to include all employee groups both formal and informal. In this light, Utah's municipalities are most certainly participating in collective negotiations.

²⁰ Ibid.

CHAPTER V
OGDEN CITY: A CASE IN POINT

As a summation to this study, Utah's largest and most relevant council-manager municipality in regards to employee negotiations was surveyed. It was hoped that a micro-view of actual bargaining experiences in one of Utah's major cities would bring to light some of the polemics that are present within the sphere of bargaining.

This brief study will examine some of the background data concerning the city's governing body, the current status of its employee organizations, and various aspects of the bargaining situation.

City government

Ogden has a total population of 76,000 and is classified as a Home Rule city in Utah.¹ The estimated annual growth rate of Ogden is between 3,000 and 5,000, an increase of 5 per cent.²

The city has a council of seven administrative officials elected by the people for a two-year term. Of the seven, four councilmen are elected by Ogden's four municipal wards and the other three are elected at large.³ The mayor is elected from the council

¹Utah Municipal League, Directory of Municipal Officials, 1968-1969, p. 27.

²Information obtained from response by city manager Charles R. Kelly to survey questionnaire.

³City of Ogden, Ogden City Charter, Ogden, Utah, Adopted June 29, 1951, p. 3.

to "Preside at meetings of the council and shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law, but who shall have no regular administrative duties."⁴ The Ogden City Charter also provides for a city manager, appointed by the council, who is the chief executive officer and the head of the administrative branch.⁵ Included in his administrative duties is the power to:

1. Plan, direct and coordinate the administrative functions of the city and administer and execute the laws and ordinances of the city.
2. Appoint and, when necessary for the good of the service, remove all administrative officers and employees of the city, except as otherwise provided by this charter and except as he may authorize the head of a department or office to appoint and remove subordinates in such department or office.
3. Prepare the budget annually and submit it to the council and be responsible for its administration after adoption.
4. Prepare and submit to the council at the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year.
5. Keep the council advised of the financial condition and future needs of the city and make such recommendations as may seem to him desirable.
6. Perform such other duties as may be prescribed by this charter or required of him by the council, not inconsistent with this charter.⁶

Ogden's city manager has a greater potential efficacy in policy matters than most of Utah's city managers for two reasons: (1) he appoints and removes department heads, and (2) the mayor is

⁴Ibid., p. 4.

⁵Ibid., p. 9.

⁶Ibid.

not elected at large and is not involved in the administrative duties of the city.

Ogden City has an extensive civil service and classification program.⁷ According to the civil service regulations of Ogden, "all appointments and promotions in the administrative service of the city shall be made according to merit and fitness."⁸

The Civil Service Commission in Ogden consists of three members, appointed by the council who designates one member as chairman. The three members serve six-year terms on a staggered basis.⁹ The commissioners must be electors of the municipality and are usually well-known citizens. At the present the commission consists of a radio station manager, an attorney, and a contractor.¹⁰

It is the duty of the Civil Service Commission to provide the administrative structure in which hiring and appointment occurs with merit principles to retain efficient government service.¹¹

The composition of Ogden's Home Rule government can be seen in Figure 5. The citizenry elects the council to office. The council, in turn, elects one of its members to act as chairman and mayor. The council also appoints a city manager to administer city policy and a Civil Service Commission to administer merit civil

⁷City of Ogden, Personnel Policy and Pay Plan, Ogden, Utah, Approved January 25, 1968.

⁸City of Ogden, Civil Service Rules and Regulations, 2nd revision, Ogden, Utah, Approved December 22, 1966, Introduction.

⁹City of Ogden, Ogden City Charter, p. 24.

¹⁰Interview with Velma Davis, Executive Secretary in Personnel Office of Ogden City, August 22, 1968.

¹¹City of Ogden, Civil Service Rules and Regulations, p. 1.

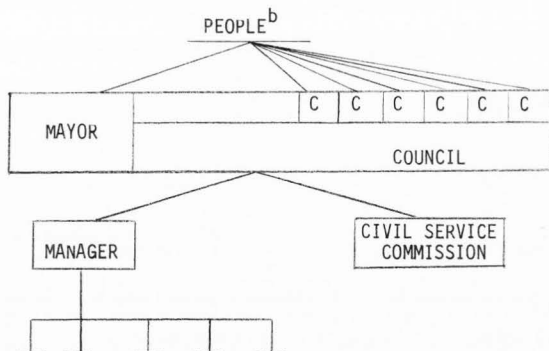


Figure 5. Composition of Ogden's home rule government^a

^aHome Rule government is unique to Ogden City; however, this form of government is available to all Utah municipalities.

^bSource of Figure 5: JeDon A. Emenhiser, Utah's Governments (Palo Alto, California: The National Press, 1964), p. 56.

service principles.

Employee organizations

As mentioned earlier, Ogden City has four employee organizations. There is one national union, the International Association of Fire Fighters (IAFF). Two of the independent local associations have state-wide implications as well as municipal organization. These two are the Ogden Firemans Association and the Police Benefit Association. The other independent local organization is the Ogden City Employees

Association.¹²

Ogden City has a total of 550 full-time employees with a summer seasonal crew of an extra 150. Peak employment during the summer months reaches above 700 for city employment.¹³ Of the 550 regular full-time employees 512 are members of the employee organizations. Table 11 details the extent to which Ogden City employees hold membership in employee organizations. The independent local organizations are well entrenched in the city with most having a 20-year or more background. The National Union, AFL-CIO Local 1654 of Ogden Fire Fighters, has only been in the city six months. The last union that was in Ogden was also associated with the fire fighters but terminated in 1948.¹⁴

Table 11. Extent of affiliation with employee organizations in Ogden City, 1968^a

Name of organization	Total members	Per cent of department organized
International Association of Fire Fighters, AFL-CIO	64	55
Ogden Firemen's Association	117	100
Police Benefit Association	116	100
Ogden City Employee Association	215	39
TOTAL in all employee organi.	512	93

^aSource: All information was received from the presidents or secretaries of the local employee organizations. Personnel Director gave information on the national union August 22, 1968.

¹³Ibid.

¹⁴Interview with Joe Hilton, Administrative Assistant in Fire Department and Secretary-Treasurer of Ogden Firemen's Association, August 22, 1968.

Problems have arisen between the independent local associations and the union. The local associations tend to view the union as a group of "misfits" who are full of gripes and grudges about management. The locals, as well as some personnel directors feel that the union is generally a troublemaker. The union, in turn, views the locals as "company unions" with pro-management leanings.

Perhaps the most friction between association and union has arisen in the Fire Department. The Ogden Firemen's Association has been in existence for 35 years and has generally been in charge of firemen policy, especially at the local level.

The Ogden Firemen's Association is affiliated with the Utah State Firemen's Association. It pays its dues to the organization and sends delegates to the state association on the basis of its membership totals (10 members = 1 delegate). For this reason it has for some time been the spokesman for Ogden's firemen.

Since the organization of the AFL-CIO Local 1654 Fire Fighters, there has been an overlapping by the union in local organizational policy.¹⁵ Previously, there was an agreement that the union would concern itself with wages, salary, working conditions, hours, etc. The local association was to be in charge of pension legislation, dances, funerals, collections, etc. Recently the union has been seeking to legislate by promoting its own association, the Federated Fire Fighters, in Ogden, Provo, and Salt Lake City.¹⁶ This would by-pass the local association and exclude them from policy

¹⁵Ibid.

¹⁶Ibid.

matters.¹⁷

Discrepancies have arisen between Ogden City civil service management and the union. The president of Local 1654 said that there was a discrepancy in Ogden's Civil Service Rules that was in conflict with state law. This led the Attorney General to give his opinion on the matter, resulting in a change in Ogden's civil service policy. The Attorney General stated that "State civil service laws . . . supersede provisions of the Ogden City Charter involving the same subject matter."¹⁸

Because of these incidents, and similar ones, employee organizations are quite divided in negotiation policy. At least one administrator views the union as a nuisance that often by-passes his office either going to the city manager or council to get concessions. He indicated that the union has no contract or agreement with the city and therefore has no right to bargain. On the other hand, a good rapport exists between management and the local associations.

Scope of bargaining

The scope of bargaining, or range of issues bargainable in Ogden, varies a great deal depending upon the employee organization involved. Table 12 indicates the type of bargaining each employee organization desires to undertake with the city. City manager, Charles Kelly, indicated that there was no bargaining in Ogden City

¹⁷The matter of policy is highly complex because members of IAFF Union are also members of the Firemen's Association. To further complicate the issue, the IAFF Local 1654 president is a captain in the Fire Department and considered part of the managerial structure.

¹⁸Ogden Standard Examiner, August 2, 1968, Section A, p. 1.

Table 12. The desired scope of bargaining between Ogden City and employee organizations^a

Employee organization	Bargainable issues						Classification	Retirement
	Wages	Benefits	Group Insurance	Working Conditions	Hours			
IAFF	Y*	Y	Y	Y	Y	Y		Y
OFA	Y	Y						Y
PBA	Y	Y						Y
OCE	Y	Y	Y	Y	Y			

*Y indicates employee organization seeks to bargain with city over these issues.

^aSource: Leaders of employee organizations and Assistant City Manager in personal interviews, August 22, 1968.

by employee groups. Nevertheless, each employee organization has obtained concessions throughout its existence.¹⁹ The IAFF, which has been established only six months and has no contract with the city, has negotiated on and received awards.

Besides the civil service opinion given by the State Attorney General on list selection for advancement, the union has also negotiated, without success, over higher seniority scoring in advancement tests.²⁰ The IAFF Local 1654 AFL-CIO has also obtained pool tables, blinds, color TV's, and gun reloading equipment at their stations. They have also negotiated with the city manager over trading privileges and shop privileges, in both cases receiving their desires.²¹

The Ogden Firemen's Association (OFA) has more recently switched to a social role in Ogden. However, there is a close contact with the department head on issues that may affect the firemen's interest. Rather than going directly to the personnel director or city manager, the OFA seeks benefits by approaching the department head over an issue.²² The OFA is also a member of the state-wide Utah State Firemen's Association which legislates on the state level for firemen's benefits. One issue that has been stressed by this

¹⁹Information obtained from response by city manager, Charles Kelly, to survey questionnaire.

²⁰Interview with Raymond W. Cassell, Personnel Director and Assistant City Manager of Ogden City, August 22, 1968.

²¹Interview with Joe Hilton, Administrative Assistant in Fire Department and Secretary-Treasurer of Ogden Firemen's Association, August 22, 1968.

²²Ibid.

local association is pensions. They feel that pension legislation has been a result of their negotiation efforts.²³

The Police Benefit Association (PBA) is similar to the OFA in that it is more docile in nature, being organized primarily for the purpose of social functions and internal cohesion.²⁴ There is a grievance committee for internal problems, and general meetings are held throughout the year. It has openly sought better retirement for policemen and recognized the problem of low wages in the force. The PBA is both state and nationally affiliated. It seeks to establish a rapport both internally and with local businessmen. The organization also permits reserve officers, 35 of them, in its membership.²⁵ As in the case of the OFA, this organization leans toward collective negotiations through supervisory channels rather than circumventing them as the union does.

The most versatile employee organization in Ogden City seems to be the Ogden City Employees Association (OCEA). The OCEA was organized in the years just after World War II. The organization seeks to expand employee benefits while at the same time maintaining cooperation with city administration.²⁶ The City Employees Association seeks information from other cities on ways to better employee conditions and promote fellowship. It was instrumental in obtaining

²³Ibid.

²⁴Interview with Robert Mosher, President of the Ogden City Police Benefit Association, August 22, 1968.

²⁵Ibid.

²⁶Interview with Richard Merrell, President of the Ogden City Employees Association, August 22, 1968.

the 5-day, 40-hour work week in 1954. The employee group also helped instigate paid vacations and leave benefits, hospital and health insurance, increased wages, pension plans, and retirement regulations.²⁷ The negotiation method of OCEA is to enter a request directly to the city manager by letter. The manager reviews the issues with representatives of the local association, and between them it is determined what grants will be made.²⁸ The OCEA also acts as an interest group on state legislation when it desires to become involved.

It should be noted that the scope of bargaining for the employee organizations (especially local associations) is quite limited on the local level. Nonetheless, the organizations often concentrate their efforts on the state legislatures as interest groups for more benefits.

Table 13 indicates some of the concessions gained by the employee organization through negotiation procedures in Ogden City. Each organization throughout its history has been able to gain some benefits for its members through collective efforts.

In conjunction with better management-employee relations, Ogden has an Advisory Board in the Personnel Department. This Board supposedly eliminates the need for collective bargaining by the employee organizations. As mentioned in Chapter IV, this Advisory Board is composed of top people from local industry, government installations and military bases, Chamber of Commerce, etc. Through

²⁷Ibid.

²⁸Ibid.

Table 13. Benefits obtained by the employee organizations of Ogden City^a

Employee Organization	Benefits granted ^b
IAFF	Civil Service opinion, pool tables, color TV's, gun reloading equipment, blinds, private use of shop, trading privileges, four days off, and welding equipment.
OFA	Social direction, pension legislation, flowers for funerals, station improvements, i.e., TV's, hot plates, chairs, etc.
PBA	Better wages for policemen, and an effective retirement plan.
OCEA	Five-day, 40-hour week, paid vacations, leave and sick leave benefits, hospital and health insurance, pension and retirement improvements, higher wages for city employees.

^aSource: Information obtained from leaders in employee organizations and Personnel Director of Ogden City in personal interviews, August 22, 1968.

^bThese awards are not representative of all benefits gained by the employee organizations, but some of the more pertinent ones which were mentioned in the interviews.

the Board, salaries are adjusted each year or two and fringe benefits are decided upon. Officers of the employee organizations are then called in and informed of changes.²⁹ Last year the Board recommended, and obtained, a five per cent increase in wages.³⁰ In theory the

²⁹Interview with Raymond W. Cassell, Personnel Director and Assistant City Manager of Ogden City, August 22, 1968.

³⁰Ibid.

personnel policy and pay plan structure is maintained at a level of employee satisfaction.

As can be seen, however, the employee organizations are not entirely satisfied with the "motion" of governmental machinery. The Personnel Director felt that the five per cent wage increase last year was low.³¹ The employee organizations are therefore participating in negotiation programs in order to further increase their own benefits. This tends to be another source of contention among the organizations and management. As one administrator stated "Problems will arise when one group, such as firemen, want a large increase for themselves at the expense of all other employees. . . ."

None of the employee organizations actually participate in the budget preparation processes of the city. However, the department heads are allowed to sit with the city manager in budget preparation. This may provide employee groups the opportunity to meet informally with the department heads several times prior to submission of the budget to the manager.

Grievance procedure

Grievance procedures are also available to allow employees the opportunity to express themselves concerning individual problems. The proper method of approach by the employees with grievances is through the formally organized supervisory channels.³² Accordingly, the employee would approach the supervisor; and if not settled on this

³¹ Ibid.

³² Ibid.

level, it could go through the department head and finally to the Personnel Director. At the present, there seems to be no formally organized grievance procedure available to the city employees. There have been very few cases of grievance the past year with most of the grievances that have reached the Personnel Director coming from the local union.³³

In conclusion, Ogden City is a good example of collective bargaining practices in a council-manager municipality. It is apparent that the city has a strong and effective city manager in employee affairs and policy administration. This is evident by the non-policy role of the mayor and the City Charter's authorization of department head appointment by the manager.

Though the definition of merit system may vary from city to city, it is evident that Ogden has an extensive civil service system. The Civil Service Commission of Ogden defines the personnel policy in regard to merit principles. The employee organizations are very conscious of the rules and regulations protecting them, and they are also quick to expand the merit system to encompass any benefits that may include them.³⁴ Merit civil service is viewed as being both protective and antiquated. For this reason many cities are finding it necessary to revamp their systems.

The Home Rule Charter of the city gives Ogden great leeway in

³³ Ibid.

³⁴ Reference here is to the conflict between State and City Civil Service Regulations which was instigated by the IAFF Local.

directing its affairs, especially internally.³⁵ Because of this the city may be slow to recognize nationally affiliated employee organizations such as the IAFF on a contract basis. The local independent associations are much better accepted by management because they are less aggressive in their tactics and more apt to follow a regimen in negotiating.

As is the case generally, the local associations are skeptical of the union.³⁶ This antipathy is especially prevalent between Local 1654 and the Ogden Firemen's Association over policy encroachment.

Each of the employee organizations have issues they are most concerned with when it comes to scope of bargaining. All of the organizations have received some gains by collective negotiations throughout their histories.

In an effort to reduce employee representation in municipal policy, Ogden has also established an Advisory Board under the direction of the personnel office. The Board has been effective in the past, and at present there are no plans to eliminate it in favor of collective bargaining in total.

There is friction presently among the union and employee organizations concerning benefits going to one group and not to the other. An ambivalent situation exists at present in Ogden's Fire Department. Members of the union are also members of the Firemen's

³⁵State of Utah, Constitution of the State of Utah, Article XI, Section 5, Paragraph 6.

³⁶Warner and Hennessy, Public Management at the Bargaining Table, p. 221.

Association.³⁷ If the union seeks benefits for its 64 members, the rest of the department is excluded.

Last, Ogden has a grievance procedure system which is informally structured through supervisory channels. It is seldom used; however, at present union members seem to be frequenting it at every occasion.

³⁷Interview with Joe Hilton, Administrative Assistant in Fire Department and Secretary-Treasurer of Ogden Firemen's Association, August 22, 1968.

CHAPTER VI

SUMMARY

Collective bargaining in the public sphere has long been a neglected subject. Major breakthroughs on the federal level have tended to provoke philosophic and scholarly comments by political scientists and students of labor relations. However, little is known of the "grass roots" negotiations, especially those developing at the municipal level. Two factors are relevant in analyzing collective negotiations at the municipal level. They are (1) does the city have any formally organized employee organizations, i.e., unions or independent locals, and (2) if no formal employee organizations exist how do employees make their desires known.

In considering these two facets of collective bargaining in municipalities of various sizes, the council-manager form of government was selected as a constant. Because management usually represents the sovereign (or government unit) in making decisions for the employees, the city manager was surveyed in hopes that the professionalism of the office would evoke objectivity in the response. However, the Ogden study revealed that discrepancies often existed between management's perceptions and employees' perceptions of similar issues. Aside from perception of issues, both sides of the employment spectrum generally agreed on actual procedure involved.

The tentative hypotheses proposed in Chapter I have been introduced throughout the thesis but need to be reviewed.

The first hypothesis that "the city manager, because of the

presumed professionalism of his office, is more objective and politically neutral in dealing with public municipal employees than would be an elected official" was not substantiated in this study. Two factors seemed to imply that the city managers surveyed were not entirely objective in their dealings with municipal employees. They are (1) a predominance of local-amateurs in the cities surveyed making objectivity in political affairs quite difficult, and (2) a lack of "professionalism" as defined in the study coupled with lack of authority in employee relations. Future studies of Utah municipalities with varying governmental structures may reveal that no substantial difference exists in collective bargaining practices.

The second hypothesis that "the city manager will exert more policy initiation in municipal employee relations if (1) the mayor is appointed by the council and (2) the city manager appoints all department heads" was not supported by sufficient evidence in this study. The survey found only one city manager in a position where he did not have to share administrative authority with the mayor and where all department heads were subject to his appointment and dismissal. Because of the "local" aspect involved in previous administrative experience and domicile of the city managers, other factors could tend to counterbalance the sense of policy efficacy that may exist if these two facets of the hypothesis were to develop.

The third hypothesis that "the larger the city greater the probability that employee organizations will exist in the public work force of that city" tended to be true in 60 per cent of the larger cities (those with populations over 10,000). Ogden, the largest of the council-manager municipalities, has four employee organizations

in its municipal work force. All five cities listing a population of 10,000+ are situated along the Wasatch Front. Of these, three cities listing formal employee organizations are located within a fifty-mile radius. This would seem to indicate that formal employee organizations are found in areas with the greatest population density and where employee structure allows them.

The fourth hypothesis that "the smaller council-manager municipalities are more likely to have unstructured and informal methods of negotiation with management than are municipalities with a population of 10,000 or more" also appeared to be validated in this study. In nine of the cities, because of the lack of formal employee organizations to negotiate policy in behalf of the employees, informal bargaining procedures existed in the form of collective grievances that could be heard throughout the managerial hierarchy.

Essentially, the larger cities had employee organizations which necessitate more sophisticated negotiations. The two cities of 10,000 or more not listing employee organizations still indicated that formal methods of bargaining were available to public employees.

It was very difficult to measure the fifth hypothesis which states "the greatest bargaining potential resides in the merit-formal approach and the least in the non-merit-advisory approach." The results of the survey tend to support this hypothesis, but because there are no constant definitions as to what is "formal" or "merit" the proposition cannot be validated. Each city manager defined merit and formality according to perception of present situation. There is no statutory law binding third class cities to a system of merit civil service, and procedure for dealing with employees was also an individual

definition. Therefore, there would appear to be more bargaining in a merit-formal than a non-merit-advisory situation, but this is not conclusive.

The Ogden study was an in-depth probe to garner further information on the public employment situation. The results of the study supported much of what had already been ascertained in the questionnaire response. What the study did accomplish was to provide varying viewpoints of similar employment problems. By interviewing the municipal managers and employee representatives, both sides of the labor spectrum were exposed.

Militant trends in Utah's public municipal employment resulting in strikes and walkouts has been nonexistent thus far. The public of Utah's municipalities has been fortunate that an attitude of compromise and understanding exists in the employer-employee situation. However, complacency is not the answer. A new belligerency is in the air, particularly among nationally affiliated organizations. New procedures need to be established in order to meet changing demands.

In conclusion, because of the drastic changes which are occurring in the Twentieth Century, many of our life phases in the living and working conditions are being affected by public employees. It is understandable that public employees should demand more effective means of participating in determination of their employment terms. This is the only equitable thing to do. But public rights should not be infringed upon by strikes so as to enervate the operation of democracy. New cooperative attitudes and procedures are needed in understanding the negotiation processes. As the Governor's Committee

on Public Employment Relations for the state of New York stated

In municipal and state governments, chief executives, budget directors, department heads, and hard-pressed school boards normally must manage as best they can without competent full-time staff advice and assistance in employee relations. Thus, when suddenly faced with demands from an employee organization, they improvise measures to deal with crisis situations. Often they are uncertain of their authority, unaware of precedents established in other departments of agencies, and unable to call in qualified advisors to help them formulate sound positions.¹

New procedures must develop to meet the challenge of new employee relations, particularly at the municipal level where quiescence is giving way to militancy and unrest.

¹Governor's Committee on Public Employee Relations--Final Report--State of New York, March 31, 1966, p. 50-51.

BIBLIOGRAPHY

Public Documents

- City of Ogden, Civil Service Rules and Regulations, 2nd Revision, Ogden, Utah. Approved December 22, 1966.
- City of Ogden, Ogden City Charter, Ogden, Utah. Adopted June 29, 1951.
- City of Ogden, Personnel Policy and Pay Plan, Ogden, Utah. Approved January 25, 1968.
- Commonwealth v. Hunt, 45 Mass. (4 Met.) III.
- National Municipal League, Model City Charter, 5th Ed., New York: The National Municipal League, 1941.
- State of Utah, Constitution of the State of Utah, Salt Lake City, Utah.
- Utah Municipal League, Directory of Municipal Officials 1968-1969, Salt Lake City, Utah: Utah Municipal League, 1968.
- Utah Municipal League, Municipal Laws of Utah Annotated, Salt Lake City, Utah: Utah Municipal League, 1962.

Books

- Crouch, Winston W. "Employee Organization in Council-Manager Cities." p. 141-157. In Orin F. Nolting and David S. Arnold (Ed.). The Municipal Year Book 1967. Chicago, Illinois: International City Managers Association, 1967.
- East, John P. Council-Manager Government: The Political Thought of its Founder, Richard S. Childs. Chapel Hill, North Carolina: University of North Carolina Press, 1965.
- Emenhiser, JeDon A. Utah's Governments. Palo Alto, California: The National Press, 1964.
- Eulau, Heinz. The Behavioral Persuasion in Politics. New York: Random House, 1964.

- Gerard, Harold B. and Edward E. Jones. Foundations of Social Psychology. New York: John Wiley and Sons, Inc., 1967.
- Hart, Wilson R. Collective Bargaining in the Federal Service. New York: Harper and Row, 1961.
- Hoffer, Eric. Cited in Kenneth O. Warner (Ed.). Developments in Public Employee Relations: Legislative, Judicial, Administrative. Chicago, Illinois: Public Personnel Association, 1965.
- International City Managers Association. Municipal Year Book 1967. Chicago, Illinois: International City Managers Association, 1967.
- Kammerer, Gladys. City Managers in Politics, An Analysis of Manager Tenure and Termination. Gainesville, Florida: University of Florida Press, 1962.
- Kammerer, Gladys, Charles E. Farris, John M. DeGrove, and Alfred B. Clubok. The Urban Political Community. Boston, Massachusetts: Houghton Mifflin Company, 1963.
- Nolting, Orin F. and David S. Arnold (Ed.). The Municipal Year Book 1966. Chicago, Illinois: The International City Managers Association, 1966.
- Ocheltree, Keith (Ed.). Government Labor Relations in Transition. Chicago, Illinois: Public Personnel Association, 1966.
- Pfiffner, John M. and Robert Presthus. Public Administration. 5th Ed. New York: The Ronald Press Company, 1967.
- Ridley, Clarence E. and Orin F. Nolting. The City Manager Profession. Chicago, Illinois: The University of Chicago Press, 1934.
- Salik, Richard L. (Ed.). A Digest of Provincial Labor Laws Governing Municipal and Provincial Employees in Canada. Chicago, Illinois: Public Personnel Association, 1966.
- Shibutani, Tomatsu. Society and Personality. Inglewood Cliffs, New Jersey: Prentice Hall, Inc., 1961.
- Smith, Adam. The Wealth of Nations. New York: Modern Library, 1937.
- Van Riper, Paul P. History of the United States Civil Service: Theory and Practice. Chicago, Illinois: Public Personnel Association, 1967.
- Vosloo, William B. Collective Bargaining in the United States Federal Civil Service. Chicago, Illinois: Public Personnel Association, 1966.

- Warner, Kenneth O. (Ed.). Developments in Public Employee Relations: Legislative, Judicial, Administrative. Chicago, Illinois: Public Personnel Association, 1965a.
- Warner, Kenneth O. (Ed.). Management Relations with Organized Public Employees: Theory, Policies, Programs. Chicago, Illinois: Public Personnel Association, 1965b.
- Warner, Kenneth O. and Mary L. Hennessey. Public Management at the Bargaining Table. Chicago, Illinois: Public Personnel Association, 1967.
- White, Leonard D. The City Manager. Chicago, Illinois: The University of Chicago Press, 1927.

Articles and Periodicals

- Belasco, James A. "Resolving Dispute Over Contract Terms in the State Public Service: An Analysis," Labor Law Journal, Vol. 16, No. 9 (September, 1965). p. 533-544.
- Business Week. "Public Employees Ask for a Better Shake," Vol. 98, (December 3, 1966). p. 92-98.
- Catlin, Robert E. "Should Public Employees have the right to Strike," Public Personnel Review, Vol. 29, No. 1 (January, 1968). p. 2-6.
- Hart, Wilson R. "The U. S. Civil Service Learns to Live with Executive Order 10988: An Interim Appraisal," Industrial and Labor Relations Review, Vol. 17 (January, 1964). p. 203-220.
- Newland, Chester A. "Collective Bargaining Concepts: Applications in Governments," Public Administration Review, Vol. 28, No. 2 (March/April, 1968). p. 117-126.
- Nesvig, Gordon T. "The New Dimensions of the Strike Question," Public Administration Review, Vol. 28, No. 2 (March/April, 1968). p. 126-132.
- Nigro, Felix A. "The Implications for Public Administration," Public Administration Review, Vol. 28, No. 2 (March/April, 1968). p. 137-147.
- Ogden Standard Examiner, August 2, 1968, Section A, p. 1.
- Posey, Rollin B. "The New Militancy of Public Employees," Public Administration Review, Vol. 28, No. 2 (March/April, 1968). p. 111-117.

Rowlands, David D. "Unions Enter City Hall," Public Management, Vol. 28 (September, 1966). p. 245-252.

"Symposium on Collective Negotiations in the Public Service," Public Administration Review, Vol. 28, No. 2 (March/April, 1968). p. 111-147.

Wisensfeld, Allen. "Public Employees--First or Second Class Citizens," Labor Law Journal, Vol. 16, No. 11 (November, 1965). p. 685-704.

Reports

Governor's Committee on Public Employee Relations, Final Report, State of New York, March 31, 1966. Special Committee selected by Governor Nelson Rockefeller to study Public employee relations and make legislative proposals.

National Council of Churches. The Right to Strike and the General Welfare. A report prepared by the Committee on Church and Economic Life. New York: Council Press, 1967.

U. S. Bureau of Labor Statistics, Special Labor Force Report, Washington, D. C.: Government Printing Office, March, 1963.

Wetmore, Ruth. "Council and Commission Manager Governments," Citizens Pamphlet Series #29, Lawrence, Kansas: Governmental Research Center, University of Kansas, 1960.

Personal Interviews

Cassell, Raymond W. Personnel Director and Assistant City Manager of Ogden City, August 22, 1968.

Davis, Velma. Executive Secretary in Ogden City Personnel Department, August 22, 1968.

Hilton, Joe. Administrative Assistant in Fire Department and Secretary-Treasurer of the Ogden Firemen's Association, August 22, 1968.

Merrell, Richard. President of the Ogden City Employees Association, August 22, 1968.

Mosher, Robert. President of the Ogden City Police Benefit Association, August 22, 1968.

Other Material

Letter from A. M. Ferro, Utah Municipal League Legal Consultant,
to writer. July 19, 1968.

Telephone interview with Almon A. Nelson, City Manager of Sandy,
Utah. July 28, 1968.

APPENDIXES

Appendix AQuestionnaire

1. Presently employed as city manager of _____
- 2, 3, 4, 5. Please give a brief resume of yourself including: age, birthplace, amount of education, field of study, previous experience, and location of experience prior to present position.
- _____
- _____
- _____
6. In your city, have city employees organized in order to engage in collective bargaining? Yes _____ No _____
7. Are city employees prohibited from organizing for the purpose of collective bargaining by law in your city? _____
- _____
8. If public employee organizations exist in your city would you classify them into (1) Nationally affiliated _____ (2) Independent Locan Associations _____ (3) Both Types _____
9. Would you list, name, and describe briefly the types of public employee organizations existent in your city. (Use extra sheet if needed)
- National _____
- _____
- Local _____
- _____
10. Would you classify your city as being under the Merit _____ or Non-Merit System _____

11. Do you have a formal arrangement _____ Informal arrangement
_____ or Advisory arrangement _____ in negotiating with
your public employees? (Please Comment.) _____

12. Who negotiates for, or represents management in, negotiations
with the organized public employees? _____ Mayor
_____ City Council
_____ City Manager
_____ Other
13. If there is no formal method of dealing with employee groups,
what is the appropriate method for employee groups to make
proposals to the administration? _____

14. What are considered bargainable issues in your city?
_____ Wages _____ Benefits _____ Group Insurance _____ Working
Conditions _____ Hours _____ Classifications _____ City Budget
_____ Other (list) _____
15. Are your uniformed employees (firemen, policemen, etc.) able to
bargain on the same issues as other employees? Please Comment.

16. Do you, as the City Manager, appoint all department heads, or do
you share in the appointment procedures with others? _____

17. What is the present population of your city? _____
18. What is the estimated annual growth rate of your city? _____

19. How is the Mayor of your city elected? At large _____
Council _____ Other _____
20. Do you think your arrangement for dealing with organized public
employees is adequate or not? Why? _____
-
-

Appendix B

Twenty-Two Cities in Utah Listing a Council-Manager

Form of Government

Table 14. Twenty-two cities in Utah listing a Council-Manager form of government^a

Date Incorporated	City	Classification	Population	Manager
1853	American Fork	3rd	7,500	Ray C. Nelson
1967	Beaver	3rd	1,650	G. Elmer Paice
1941	Blanding	3rd	1,805	Francis D. Nielson
1892	Bountiful	3rd	27,000	Grant P. Petersen
1868	Cedar City	3rd	8,400	Arnold E. Anderson
1922	Clearfield	3rd	11,500	Clarence J. Stoker
1913	Enterprise	3rd	825	John W. Thomas
1903	Milford	3rd	1,400	Alvin Skillicorn
	Moroni	3rd	900	Glen Bailey
	Monticello	3rd	2,000	Philip K. Palmer
1866	Nephi	3rd	3,000	R. W. Christensen
	Ogden	Home Rule	76,000	Charles R. Kelly
1919	Orem	3rd	25,000	Earl Wengreen
	Richfield	3rd	5,000	Keith Christensen
1937	Roy	3rd	15,000	A. Wayne Kimber
1892	St. George	3rd	6,200	M. Lynne Empey
1920	Salem	3rd	980	Don C. Pierce
1893	Sandy	3rd	4,800	Almon A. Nelson
1898	Vernal	3rd	5,000	Buell Bennett
1907	Wellington	3rd	1,800	Thomas F. Quayle
1941	West Jordan	3rd	4,500	Robert H. Steadman
	Willard	3rd	814	Merle Ipsen

^aThis is the current listing as found in the Directory of Utah Municipal Officials 1968-1969, Salt Lake City, Utah: Utah Municipal League, 1968.

Appendix C

The Connecticut Municipal Employee Relations Act

The Connecticut Municipal Employee Relations Act (Public Act No. 159), enacted June 4, 1965, as published in Kenneth O. Warner and Mary L. Hennessy's Public Management at the Bargaining Table, Chicago, Illinois: Public Personnel Association, 1967, p. 359-361.

Connecticut has been one of the more progressive states providing its municipal employees with statutory regulations and options in the public employment situation. The following is a digest of the main features of Public Act No. 159.

OUTLINE OF MAJOR PROVISIONS

By its more significant provisions, this Act:

Grants to municipal and local government employees the right to join employee organizations and to bargain collectively concerning wages, hours, and other conditions of employment, but excluding the examination system.

Provides for mandatory collective bargaining with provisions for the agreement to be put in writing.

Excludes supervisors, elected and administrative officers, teachers, and part-time employees; fire and police persons must join separate units; no one unit shall contain professional and nonprofessional employees unless they so indicate.

Provides for a grievance procedure; for the use of the services of the Connecticut State Board of Mediation and Arbitration; and includes fact-finding provisions.

Authorizes the parties to negotiate provisions for dues and initiation checkoff.

Prohibits strikes.

Lists prohibited practices.

Lists employee and employer rights.

DEFINITIONS

A municipal employer is defined as "any political subdivision of the state including any town, city, borough, district, school board, housing authority or other authority established by law" or their designated representatives (s.1(1)).

Employee means any employee of a municipal employer, classified or not, except elected or administrative officials, board and commission members, certified teachers, and part-time employees.

Employee organization means any lawful association, labor organizations, federation, or council having as its primary purpose the improvement of wages, hours, and other conditions of employment.

Collective bargaining includes meetings appropriately related to the budget-making process in addition to wages, hours, and other conditions of employment. This does not compel either party to agree to a proposal or require the making of a concession.

EMPLOYER AND EMPLOYEE RIGHTS

The employee organization may not restrain or coerce employees in the exercise of this Act, nor employers in the selection of their representatives for collective bargaining, nor refuse to bargain collectively in good faith.

While the employee organization has the right to bargain collectively and the employee has the right to join unions and participate in this activity, the employer retains the right to conduct and grade merit examination and to rate candidates in the order of their relative excellence from which appointments are made. This function is a management right, not subject to bargaining.

The employer may not interfere, restrain, or dominate employee organizations, nor discharge or discriminate against employees for compliance with this Act, nor refuse to bargain in good faith.

RECOGNITION AND CERTIFICATION

The State Labor Relations Board, when petitioned by either party, determines a question of representation of employees. If such a question exists, "it shall direct an election by secret ballot or shall use any other suitable method to determine whether and by which employee organization the employees desire to be represented and shall certify the results thereof" (s.5(1)). The organization which received the majority of the ballots cast is the unit for collective bargaining.

Once the State Board of Labor Relations designates or the municipal employer recognizes an employee organization that

organization shall be recognized by the employer to be the exclusive bargaining agent for the employees of that unit.

The State Labor Relations Board is authorized to:

1. Decide cases where a question of representation exists;
2. Determine whether a supervisory position exists, which is to be excluded from the coverage of the Act;
3. Decide whether the unit appropriate for purposes of collective bargaining shall be the municipal employer unit or other unit thereof, with separate units required for certain uniformed and supervisory workers; and
4. Determine whether a questionable practice conforms to procedures prescribed by the Act.

COLLECTIVE BARGAINING

The chief executive officer, whether elected or appointed, or his designated representative, shall represent the municipal employer in collective bargaining with employee organizations.

The budget-appropriating body of the municipality is empowered to appropriate whatever funds are required to comply with an agreement approved by the municipality's legislative body, except where the bargaining agent has exclusive control over wages, hours, and other working conditions. A body of this type is authorized to enter into agreement on those items. Where there is a conflict between an agreement reached in accordance with this Act or any charter, special act, ordinance, rules, or regulations adopted by the municipality, the terms of the collective agreement shall prevail.

Municipal employers and employee organizations are authorized to negotiate provisions for payroll deductions and union dues and initiation fees.

SETTLEMENT OF DISPUTES

Either party may, after a reasonable amount of time for negotiation, petition the State Labor Relations Board to initiate fact finding. The person selected as factfinder will set the date and place of hearings; the cost shall be divided equally between employer and employee organization. The fact finder can also mediate.

An individual employee can present his grievance to his employer at any time without the interference of the employee organization.

The Board is available for purposes of mediation of grievance or contract disputes and for purposes of arbitration of disputes over the interpretation or application of the terms of a written agreement.

Appendix D
Letter of Transmission Accompanying Questionnaire
to Utah's City Managers

June 26, 1968

Dear Mr. -----:

I am a candidate for the Master of Science degree in Public Administration at Utah State University, and have selected for my thesis the topic of Collective Bargaining in Utah's Council-Manager Municipalities.

This topic was selected because local government is the fastest growing employer of personnel in the nation, and because government encounters more profound problems in the employee-management sphere than does private industry. My investigation has disclosed that very little is known of collective bargaining practices in the small and medium size cities in Western America. I hope to make a contribution to this important area of public management.

In order to determine what practices do exist in the state of Utah a questionnaire has been prepared and is being sent to the City Managers of the region. The questionnaire was specifically addressed only to the City Managers because of their known professional competence and philosophy of objectivity.

It is realized that your time is at a premium so the questionnaire is quite brief. It is also realized that each municipality is unique; therefore, any additional comments or suggestions would be welcomed from you on the blank section of the last page.

Since relatively little is known about this topic I will be happy to make any results found in this study available to you upon request.

Thank you very much for your cooperation in assisting with the research for this thesis.

Sincerely,

Ronald L. McKim
Department of Political Science
College of Business & Social Science
Utah State University
Logan, Utah 84321

VITA

Ronald Lorenzo McKim

Candidate for the Degree of

Master of Science

Thesis: Collective Bargaining in Utah's Council-Manager Municipalities

Major Field: Political Science

Biographical Information:

Personal Data: Born at Mineral Wells, Texas, January 23, 1943, son of Howard V. and Martha V. McKim; married Marsha Preston August 10, 1965; one child--Jennifer Lynn.

Education: Attended elementary school in Thayne, Wyoming; graduated from Star Valley High School, Afton, Wyoming, in 1961; received the Bachelor of Science degree from Utah State University, Logan, Utah, with a major in political science and a minor in history in 1967; completed course requirements for the Master of Science degree specializing in political science and public administration at Utah State University in 1968.

Professional Experience: September, 1967, to June, 1968, graduate assistant to Dr. M. Judd Harmon, Dean of the College of Social Sciences, and Professor Wendell B. Anderson of the Department of Political Science, Utah State University, Logan, Utah.